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**CITY COUNCIL AGENDA  
WEDNESDAY, JANUARY 16, 2013  
250 NORTH 5<sup>TH</sup> STREET  
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM  
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

*To become the most livable community west of the Rockies by 2025*

**Call to Order**  
(7:00 p.m.)

Pledge of Allegiance  
Invocation – Reverend Patty, Two Rivers Center for Spiritual Living

[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.]

**Presentation:**

Jamie Hamilton, on behalf of JUCO, to make a presentation to City Council

Gisela Flanigan, Grand Junction Commission on Arts and Culture Chairperson, to present the Champion of the Arts Award and the Annual State of the Arts of the Grand Junction Commission on Arts and Culture [Attach](#)

*Revised January 17, 2013  
\*\* Indicates Changed Item  
\*\*\* Indicates New Item  
® Requires Roll Call Vote*

**REVISED**

**Proclamation:**

Proclaiming January 2013 as “National Mentoring Month” in the City of Grand Junction

**Appointments**

To the Grand Junction Forestry Board

**Council Comments**

**Citizen Comments**

**\*\*\* CONSENT CALENDAR \*\*\*®**

1. **Minutes of Previous Meeting** [Attach 1](#)

*Action: Approve the Minutes of the December 19, 2013 Regular Meeting*

2. **2013 Meeting Schedule and Posting of Notices** [Attach 2](#)

State Law requires an annual designation of the City’s official location for the posting of meeting notices. The City’s Code of Ordinances, Sec. 2.04.010, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 01-13—A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the 2013 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

*®Action: Adopt Resolution No. 01-13*

Staff presentation: Stephanie Tuin, City Clerk

3. **Conduct of the Regular Municipal Election on April 2, 2013** [Attach 3](#)

The City has adopted the Municipal Election Code. In order to conduct the election by mail ballot, the Council must authorize it pursuant to 1-7.5-104 C.R.S. and the City Clerk must submit a Written Plan outlining the details and responsibilities to the Secretary of State. It is recommended that the City again contract with Mesa County to conduct this election by mail ballot. They have the equipment on site and are able to prepare, mail out, and process the ballots more efficiently than the City. The contract with Mesa County will not exceed \$44,000.

Resolution No. 02-13—A Resolution Authorizing a Mail Ballot Election in the City of Grand Junction for Regular Municipal Election on April 2, 2013, Authorizing the City Clerk to Sign the Intergovernmental Agreement with Mesa County Clerk and Recorder and Approving the Written Plan for the Conduct of a Mail Ballot Election

®Action: *Adopt Resolution No. 02-13*

Staff presentation: Stephanie Tuin, City Clerk

4. **Setting a Hearing on the Feuerborn Annexation Located at 2902 and 2906 D Road** [File #ANX-2012-518] [Attach 4](#)

A request to annex 2.69 acres, located at 2902 and 2906 D Road. The Feuerborn Annexation consists of two parcels, including portions of the 29 Road and D Road rights-of-way. The total annexation area contains 3.40 acres of which 0.71 acres or 30,826 sq. ft. is right-of-way.

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

Resolution No. 03-13—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, Feuerborn Annexation, Located at 2902 and 2906 D Road

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Feuerborn Annexation, Approximately 3.40 Acres, Located at 2902 and 2906 D Road

*®Action: Adopt Resolution No. 03-13, Introduce Proposed Ordinance, and Set a Public Hearing for February 20, 2013*

Staff Presentation: Scott D. Peterson, Senior Planner

\*\*\*5. **Setting a Hearing on the Rock Shop Enclave Annexation, Located South of D Road, East of S. 15<sup>th</sup> Street, and South of the Riverside Parkway, on both sides of 27 ½ Road, North of Las Colonias Park** [File # ANX-2012-574]

[Attach 5](#)

A request to annex 53.66 acres of enclaved property, consisting of 68 parcels and 3.84 acres of public right-of-way.

**a. Notice of Intent to Annex and Exercising Land Use Control**

Resolution No. 04-13—A Resolution of the City of Grand Junction Giving Notice that a Tract of Land Known as the Rock Shop Enclave, Located South of D Road, East of S. 15<sup>th</sup> Street, and South of the Riverside Parkway, on Both Sides of 27 ½ Road, North of Las Colonias Park, Consisting of Approximately 53.66 Acres, will be Considered for Annexation to the City of Grand Junction, Colorado and Exercising Land Use Control

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rock Shop Enclave, Located South of D Road East of S. 15<sup>th</sup> Street, and South of the Riverside Parkway on Both Sides of 27 ½ Road North of Las Colonias Park, Consisting of Approximately 53.66 Acres

*®Action: Adopt Resolution No. 04-13, Introduce Proposed Ordinance, and Set a Hearing for April 3, 2013*

Staff presentation: Brian Rusche, Senior Planner

6. **Sole Source Purchase of InfraMAP Software**

[Attach 6](#)

This request is for the sole source purchase of a software system required for remotely editing and updating City infrastructure data. The software interfaces with the City's Public Works Asset Management System (Lucity) and provides field access for Parks and Public Works employees to the data, maps, and work flow for that system.

*Action: Authorize the City Purchasing Division to Enter into a Sole Source Contract with iWater of Irvine, CA in the Amount of \$76,980*

Staff Presentation: Jim Finlayson, Information Technologies Manager  
Jay Valentine, Internal Services Manager

7. **Contract for Electrical Equipment Upgrades for Water Treatment Facility** [Attach 7](#)

Request to enter into a contract with EC Electric, Grand Junction, CO to relocate and replace the main electrical distribution switchgear at the Water Treatment Facility.

*Action: Authorize the City Purchasing Division to Enter into a Contract with EC Electric in the Amount of \$57,342.05*

Staff presentation: Terry Franklin, Utilities and Streets Manager  
Rick Brinkman, Water Services Manager  
Jay Valentine, Internal Services Manager

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

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

\*\*\*8. **Setting a Ballot Title in Response to a Protest Against Ordinance No. 4295, An Ordinance Zoning the Brady South Annexation to Industrial/Office Park (I-O) Zone District Located at 347 and 348 27 1/2 Road and 2757 C 1/2 Road** [Attach 8](#)

The ordinance zoning these properties was protested through a successful referendum petition. The City Council at their September 5, 2012 meeting determined it was appropriate to refer the matter to the next regular election on April 2, 2013.

Resolution No. 05-13—A Resolution Setting a Ballot Title and Submitting to the Electorate on April 2, 2013 a Measure Regarding Zoning Property Located at 347 27 1/2 Road, 348 27 1/2 Road and 2757 C 1/2 Road in the City of Grand Junction, Colorado

®Action: Adopt Resolution No. 05-13

Staff presentation: John Shaver, City Attorney

\*\*\*9. **Setting a Ballot Title on a Measure to Retain and Spend Current Sales and Property Tax Revenue** [Attach 9](#)

In 1992, the Colorado electorate amended the Colorado Constitution by the passage of the “Taxpayers Bill of Rights” (TABOR Amendment). The Amendment requires, among other things that any time fiscal year revenues exceed the limitation imposed by the Amendment for the fiscal year then the local government must refund the revenues above the allowed limit unless the voters approve otherwise.

Approval of this ballot question would allow the City of Grand Junction to retain and spend current sales and property tax revenue to pay for continued investment in transportation improvements in the City.

Resolution No. 06-13—A Resolution Setting a Title and Submitting to the Electorate on April 2, 2013 a Measure to Retain and Spend Revenues as Defined by Article X, Section 20 of the Colorado Constitution

®Action: *Adopt Resolution No. 06-13*

Staff presentation: John Shaver, City Attorney

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

11. **Other Business**

12. **Adjournment**



**Attach  
CITY COUNCIL AGENDA ITEM**

Date: 12/10/12  
Author: Lorie Gregor  
Title/ Phone Ext: Recreation  
Coordinator 254-3876  
Proposed Schedule: Wednesday,  
January 16, 2013,  
2nd Reading : N/A  
File #: N/A

<b>Subject:</b> Presentation of the Champion of the Arts Award and the Annual State of the Arts of the Grand Junction Commission on Arts and Culture
<b>Action Requested/Recommendation:</b> No Action/Informational-Presentation
<b>Presenter(s) Name &amp; Title:</b> Rob Schoeber, Parks and Recreation Director Gisela Flanigan, Grand Junction Commission on Arts and Culture, chairperson

**Executive Summary:**

The chair of the Grand Junction Commission on Arts and Culture will present the annual Champion of the Arts Award and the annual report from the Commission on Arts and Culture for 2012.

**Background, Analysis and Options:**

**Champion of the Arts**

Since 1996, the Grand Junction Commission on Arts and Culture annually invites the community to nominate local businesses, organizations, and individuals for the Champion of the Arts Award. These awards are given each year to honor businesses, organizations, and individuals which exemplify outstanding support for the arts, assistance to local art and cultural organizations, commitment to our cultural community, and/or promotion of area artists. Original artwork from premier local artists is presented as the award.

**State of the Arts**

Annually, the Commission on Arts and Culture presents to City Council, the State of the Arts. This is an overview of the previous year's accomplishments of the Arts Commission.

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

**Goal 4:** *Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.*

The Grand Junction Commission on Arts and Culture provides an opportunity for many local non-profit art and cultural organizations to create quality cultural activities that add to the economic impact of our community by which many local artists are employed. The Commission upholds the Grand Junction Strategic Cultural Plan Vision, "Grand Junction is recognized as a place where people live and visit because arts and culture are a major attraction and an important element to the quality of life of the community."

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

N/A

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

N/A



## **Attach 1**

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

**December 19, 2012**

The City Council of the City of Grand Junction convened into regular session on the 19<sup>th</sup> day of December, 2012 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Tom Kenyon, Laura Luke, Sam Susuras, and Council President Bill Pitts. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pitts called the meeting to order. Councilmember Boeschstein led the Pledge of Allegiance, followed by a moment of silence.

### **Presentation**

Grand Valley Power to present a check to City Council for the Energy Savings from the energy efficient streetlights installed two years ago. In 2010, the City partnered with Grand Valley Power on a pilot project to evaluate the use of energy efficient streetlights. Kathy Portner, Neighborhood Services Manager, and Bill Byers, Public Relations Manager for Grand Valley Power, were present to speak to the results of the two year project.

Kathy Portner, representing the City's CORE group, introduced the presentation. She explained that one of the partnerships entered into by the CORE group was the installation of energy efficient streetlights. Mr. Byers introduced Tom Walsh, General Manager of Grand Valley Power, and Derek Elder, Energy Services Administrator with Grand Valley Power, who were present to award a check to the City Council.

Mr. Elder explained how the project came to be. The City had some grant funds available and made it possible to install fifteen LED streetlights and fifteen induction streetlights. The LED lights did not require any maintenance and produced an energy savings. Grand Valley Power will continue to install these types of streetlights and invest the savings into more LED lights.

Mr. Byers said the company has filed the their environmental report and he encouraged the Council to review the report.

Tom Walsh, General Manager, presented the check to Council President Pitts in the amount of \$948.49.

### **Certificates of Appointment**

Emily Pfeifer, Jeremy Franklin, Randall Gray, and Jennifer Hancock were all present to receive their Certificates of Appointment to the Commission on Arts and Culture. Brad Taylor, Daren Cole, and Kate Graham were present to receive their Certificates of Appointment and Glen Gallegos was present to receive his Certificate of Re-appointment, all to the Visitor and Convention Bureau Board of Directors.

### **Council Comments**

Councilmember Boeschstein commented with the tragedy in Newtown Connecticut, he worked in a nearby town and it is a terrible tragedy and he sends them his sympathies. He is proud of the Downtown Development Authority (DDA), and mentioned the Greater Downtown Plan will be coming forward soon. There are many great things happening in Downtown; the Avalon Theatre reconstruction, the Mesa County Library, and Kannah Creek Brewery. Grand Junction was compared to LODO in the Denver paper. He mentioned Brad Taylor and the Riverfront Commission and the work on Las Colonias Park.

Council President Pitts noted that the State will be contributing \$18.5 million toward mental health. He is overjoyed after he served many years on the Mesa County Mental Health Association in the past when they had to struggle for their own funds. This is the first year the City has made a budget commitment to mental health, a great step forward for the community.

### **Citizen Comments**

Elizabeth Collins, 507 West Ute Avenue, addressed the City Council and asked them to consider multi-modal transportation in their consideration for a TABOR tax retention. Multi-modal benefits kids going to school, pedestrians, and older adults.

## **CONSENT CALENDAR**

Councilmember Luke moved to adopt the Consent Calendar which included the minutes of December 5<sup>th</sup> and December 12<sup>th</sup> Council meetings. Councilmember Coons seconded the motion. Motion carried.

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

*Action: Approve the Minutes of the December 5, 2012 Regular Meeting and the Minutes of the December 12, 2012 Special Meeting*

## ITEMS NEEDING INDIVIDUAL CONSIDERATION

### **Public Hearing—Vacation of Plat and Portions of Right-of-Way/Easements in Kirby Subdivision, Located at 2856 B $\frac{3}{4}$ Road** [File # VAC-2012-453]

A City initiated request to vacate the Kirby Subdivision plat and right-of-way and easements dedicated thereon with the exception of the southern 5' of right-of-way adjacent to B  $\frac{3}{4}$  Road and the outer subdivision boundary Utility, Irrigation, and Drainage Easements adjacent to the north, west, and east property lines. Vacating the subdivision will allow the agricultural land uses to continue and provide an opportunity for future subdivision.

The public hearing was opened at 7:20 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. The applicant is the owner and the City is acting as representative. Planning Commission recommended approval at their November 13, 2012 meeting.

Mr. Peterson noted that the City is recommending retaining some easements and right-of-way but recommends vacation of most of the right-of-way. The cul-de-sac was never improved nor were any utilities ever installed in the easements.

The existing zoning is R-4 and the Comprehensive Plan designation is R-Medium Low.

Mr. Peterson advised that once the plat is vacated it will revert to a parcel of unplatted land. The vacation of the subdivision will prevent the future sale of lots that have no supporting infrastructure.

Councilmember Susuras asked about who has initiated the request. Mr. Peterson said the City approached the property owner because the lots do not have any infrastructure. The owner agreed and signed as the applicant.

Councilmember Coons asked if the owner wants to replat the property, will they have to go back through the process? Mr. Peterson said yes or a developer may go through the process. He noted it would be easy to start the process over again.

Councilmember Luke asked about retaining the five feet along the boundary as easement. Mr. Peterson said the southern five feet would be retained as right-of-way and the City would own that property. The five feet exists but vacation of the plat would take away that right-of-way.

City Attorney Shaver advised that the right-of-way was given before and it was determined as needed. Unwinding the plat would eliminate that portion of the right-of-way. Mr. Peterson noted that extension of the sidewalk would be facilitated by retaining that right-of-way.

Councilmember Boeschstein asked about the stub street from the north. Mr. Peterson said the plan was to connect that property to B  $\frac{3}{4}$  Road. Any future development would have to follow that plan.

There were no public comments.

The public hearing was closed at 7:30 p.m.

Ordinance No. 4563—An Ordinance Vacating the Kirby Subdivision Plat, Right-of-Way for Claire Drive, and Portions of Utility, Irrigation, and Drainage Easements Located 2856 B  $\frac{3}{4}$  Road

Councilmember Susuras moved to adopt Ordinance No. 4563 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

### **Purchase of Property at 760 Valley Court for the 22 Road Realignment at Highway 6 Project**

The City has entered into a contract to purchase a portion of the property at 760 Valley Court from Roan Creek Land and Cattle Company, LLC. The City's offer to purchase this property is contingent upon City Council's ratification of the purchase contract.

Greg Trainor, Public Works, Utilities, and Planning Director, introduced this item. He said if the property is purchased it will be part of a flagship project that the City Council has budgeted funds for in 2013. This is for the realignment and reconstruction of 22 Road. The project will coordinate with Colorado Department of Transportation (CDOT) diverging diamond project at that intersection. It will allow Valley Court to connect to 22 Road. There are a number of industrial uses in that area. The work will accommodate better access for those industries. The City's construction will begin in March and be complete in August. CDOT will start in mid May and complete the project in November of 2013.

Councilmember Kenyon noted \$3.1 million was adopted for 2013; he asked if this funding is in the 2013 budget or in 2012? Mr. Trainor said it is part of the 2012 budget and the transaction will be closed shortly.

Councilmember Kenyon asked about the variances in the two appraisals which were different. Were these appraisals competent and are taxpayers being protected?

City Attorney Shaver said there were three appraisers involved. The value was determined to be fair and just compensation and it is his opinion that the numbers are within the legal standard. The City is doing the land acquisition for this project with the City standards. Councilmember Kenyon asked about CDOT's partnership. City Attorney Shaver said the State is making other contributions to the project.

Councilmember Susuras said it appears the City is paying an amount in the middle of the two appraisals. He complimented the negotiations.

Public Works and Planning Engineering Manager Trent Prall explained the work to be done and the City's portion versus CDOT's portion. The project has been discussed since 2006.

Councilmember Kenyon noted that some believe this is being done to accommodate truck stops but some know it is a safety issue. He asked Mr. Prall to clarify. Mr. Prall said it is to alleviate safety and capacity concerns. At peak hour, the intersection is close to failure and there have been many accidents. Those parameters weighed into the project coming forward sooner. Development in that area is going to make it worse. This has been needed for quite a while. Councilmember Kenyon noted it is for safety but serves both purposes. He commended the design and the way the City is working to meet CDOT's standards. Mr. Prall referred to an access management plan that was done in 2010 and a number of solutions came forward that led to this project. There will be open houses in the area to educate the surrounding businesses. It was a challenge to convince the property owners that this was in the owner's best interest.

Councilmember Boeschstein asked about the new railroad grade crossing. Mr. Prall said the crossing is part of a future crossing and it would replace the one by Mesa Moving which is the most dangerous crossing in the State. This will be a much safer crossing. The railroad is in favor of the relocation.

Councilmember Boeschstein asked about access for the new truck stops, confirming they will not access onto Highway 6 and 50. Mr. Prall said that is correct. Councilmember Boeschstein asked about West Gate Inn's access. Mr. Prall said their access will not change.

Resolution No. 48-12—A Resolution Authorizing the Purchase of Real Property at 760 Valley Court from Roan Creek Land and Cattle Company, LLC

Councilmember Kenyon moved to adopt Resolution No. 48-12. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 7:50 p.m.

Stephanie Tuin, MMC  
City Clerk



Date: December 17, 2012  
 Author: Stephanie Tuin,  
 Title/ Phone Ext: City Clerk, x1511  
 Proposed Schedule:  
January 16, 2013  
 2nd Reading  
 (if applicable): NA  
 File # (if applicable): \_\_\_\_\_  
\_\_\_\_\_

**Attach 2**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> 2013 Meeting Schedule and Posting of Notices
<b>Action Requested/Recommendation:</b> Adopt Resolution Designating the Posting Location for Notices and Setting the Meeting Schedule for City Council Meetings in 2013
<b>Presenter(s) Name &amp; Title:</b> Stephanie Tuin, City Clerk

**Executive Summary:**

State Law requires an annual designation of the City’s official location for the posting of meeting notices. The City’s Code of Ordinances, Sec. 2.04.010, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

**Background, Analysis and Options:**

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

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

This resolution will determine the dates of the regular City Council meetings for 2012. Additional meetings may be scheduled from time to time and adequate notice will be posted prior to the holding of any additional regular meetings. The City Council also has the authority to change, reschedule, or cancel any of the listed regular meetings with proper notice.

The regularly scheduled meetings for 2013 are as follows:

<b>Month</b>	<b>Dates</b>
January	16
February	6, 20
March	6, 20
April	3, 17
May	1, 15
June	5, 19
July	3, 17
August	7, 21
September	4, 18
October	2, 16
November	6, 20
December	4, 18

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

Complying with State and local law in order to be able to conduct lawful City Council meetings will allow the City Council to continue to pursue the Comprehensive Goals and Policies.

**Board or Committee Recommendation:**

Not applicable.

**Financial Impact/Budget:**

There are no financial impacts or budget implications.

**Legal issues:**

Compliance with State and local law is required.

**Other issues:**

There are no other issues to consider.

**Previously presented or discussed:**

This has not been presented previously.

**Attachments:**

The proposed resolution



**CITY OF GRAND JUNCTION**

**RESOLUTION NO. \_\_-13**

**A RESOLUTION OF THE CITY OF GRAND JUNCTION  
DESIGNATING THE LOCATION FOR THE POSTING OF THE NOTICE OF MEETINGS,  
ESTABLISHING THE 2013 CITY COUNCIL MEETING SCHEDULE, AND  
ESTABLISHING THE PROCEDURE FOR CALLING OF SPECIAL MEETINGS  
FOR THE CITY COUNCIL**

**Recitals.**

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

The City Council holds meetings to discuss public business.

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

The Grand Junction Code of Ordinances, Section 2.04.010, provides that the meeting schedule and the procedure for calling of special meetings of the City Council shall be established by resolution annually.

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

1. The Notice of Meetings for the local public body shall be posted on the glassed-in exterior notice board at 250 N. 5<sup>th</sup> Street, City Hall.

2. The meeting schedule for the regular meetings of the City Council is:

<b>Month</b>	<b>Dates</b>
January	16
February	6, 20
March	6, 20
April	3, 17
May	1, 15
June	5, 19
July	3, 17
August	7, 21
September	4, 18
October	2, 16
November	6, 20
December	4, 18

3. Additional meetings may be scheduled or cancelled dependent on the number of items coming before the City Council. The City Council will determine that on a case by case basis. Proper notification for any change in the meeting schedule will be provided.

4. Additional special meetings may be called by the President of the City Council for any purpose and notification of such meeting shall be posted twenty-four hours prior to the meeting. Each and every member of City Council shall be notified of any special meeting at least twenty-four hours in advance.

Read and approved this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_

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

ATTEST:

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



Date: January 4, 2013  
 Author: Stephanie Tuin  
 Title/ Phone Ext: City Clerk, 1511  
 Proposed Schedule: January 16, 2013  
 2nd Reading  
 (if applicable): NA  
 \_\_\_\_\_  
 File # (if applicable): NA  
 \_\_\_\_\_

**Attach 3  
 CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Conduct of the Regular Municipal Election on April 2, 2013
<b>Action Requested/Recommendation:</b> 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 2, 2013
<b>Presenter(s) 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. The contract with Mesa County will not exceed \$44,000.

**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.

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

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

**Board or Committee Recommendation:**

NA

**Financial Impact/Budget:**

The cost of the election is not expected to exceed the \$44,000 budgeted for this purpose. Publication of notices is the other cost involved in the election and that too has been budgeted.

**Legal issues:**

None.

**Other issues:**

No other issues.

**Previously presented or discussed:**

This has not been previously presented.

**Attachments:**

Proposed Resolution

RESOLUTION NO. \_\_\_\_-13

**A RESOLUTION AUTHORIZING A MAIL BALLOT ELECTION IN THE CITY OF GRAND JUNCTION FOR REGULAR MUNICIPAL ELECTION ON APRIL 2, 2013, 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 2, 2013.

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 2, 2013 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 (Exhibit A).
3. The attached “Written Plan for the Conduct of a Mail Ballot Election” (Exhibit B) is approved for the April 2, 2013 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 \_\_\_\_\_, 2013.

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President of the Council

ATTEST:

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City Clerk

**INTERGOVERNMENTAL AGREEMENT  
CITY OF GRAND JUNCTION  
REGULAR MUNICIPAL ELECTION - APRIL 2, 2013**

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 2, 2013 ("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, 200 S. Spruce Street, beginning on Monday, March 11, 2013, each business day thereafter from 8:00 a.m. to 5:00 p.m. through Monday, April 1, 2013 and on Election Day, April 2, 2013 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 MCCA Building
- Mesa County Motor Vehicle at MCCA Building

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 13, 2013**, 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. 1-5-203(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 1, 2013**. The ballot content may be delivered to the Clerk at the Elections Division, 200 S. Spruce Street, 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 15, 2013**.
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 19, 2013**, 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 1, 2013**.
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 MUNICIPAL 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.
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 200 S. Spruce Street, 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 4, 2013. 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 \$44,000.00 (estimating 30,000 registered voters and *approximately* \$1.46 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

\_\_\_\_\_  
Catherine Lenhart for Sheila Reiner

\_\_\_\_\_  
Stephanie Tuin

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# 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

In accordance with section 1-7.5-105, C.R.S., and the Colorado Secretary of State 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 no later than fifty-five (55) days prior to any coordinated or non-partisan election. Please see Election Rule 12.4.1 for more information.

This 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 may not be held for elections or recall elections that involve partisan candidates.*

## 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); however, we request that you email your plan as an attachment to [state.electiondivision@sos.state.co.us](mailto:state.electiondivision@sos.state.co.us).

Please contact Ben Schler via phone at 303-894-2200 ext. 6342 or via email at [benjamin.schler@sos.state.co.us](mailto:benjamin.schler@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.

- 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 (Sections 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 2, 2013
  
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
  
3. **Description of the type of election to be conducted** (Example: coordinated election, recall election, special election, etc.): Regular Municipal Election
  
4. **Citation of the statute or home rule charter provisions authorizing the election:** [Section 1-7.5-105, C.R.S.] 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:** 29,750
  - Between 22 and 18 days before the election, the designated election official will mail to each active registered elector a mail ballot packet. [Section 1-7.5-107(3), C.R.S.]
  
  - No later than 45 days prior to the election the designated election official will send a mail ballot packet to each active registered **UOCAVA** elector. [Section 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 and 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]
  - 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 Systems & Software Central Count Optical Scanner,  
Elections Systems & Software Unity Software

Model Number(s): M650, Firmware Version 3.0.1.0

- 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

200 S. Spruce Street

Grand Junction, Co. 81501

Hours: 8:00 a.m. – 5:00 p.m. Monday thru Friday

Mesa County Clerk’s Office (Motor Vehicle Division)

200 S. Spruce Street

Grand Junction, Co. 81501

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 (or service centers), 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:

- All walk-in voting locations will be open during normal business hours from:  
[Section 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:** [Section 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):



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. [Section 1-7.5-105(3), C.R.S.]

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

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

A ballot packet has been or will be subject to a "Tap Test" by a local postal representative to ensure that all relevant mailing information is visible through the envelope window.

At least one ballot packet has been or will be 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):

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.]

- 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. [Section 1-7.5-107(6), C.R.S.]
- 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. [Section 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):

- The ballot or ballot label will contain the following warning:

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.

[Section 1-7.5-107(3)(b), C.R.S.]

- The return envelope will have printed on it a self-affirmation substantially in the following form:

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:\_\_\_\_\_.

[Section 1-7.5-107(3)(b.5), C.R.S.]

- 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.
- 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)(l), 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. [Section 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".): [Section 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 days after the signature deficiency has been confirmed, but in no event later than two 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 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 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:**  
[Section 1-7.5-107(3.5)(d), C.R.S.]

- 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 days after receipt of the mail ballot, but in no event later than two 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.

- 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 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):

- To protect the voter's privacy, a secrecy sleeve or envelope will be included in the mail ballot package. [Section 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):

- 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]
- 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):

- 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.
- (Check this box only if you plan to use a secrecy sleeve other than the Secretary of State approved secrecy sleeve that is included at the end of this form)*  
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.  
Stephanie Tuin

**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**

In accordance with 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]	1/16/2013
Date of approval of election by governing body [Rule 12.4.1]	1/16/2013
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) [Section 1-5-303(1), C.R.S.; Rule 12.4.1]	2/21/2013
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) [Section 1-5-304(1), C.R.S.]	2/21/2013
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) [Section 1-7.5-107(2), C.R.S.]	3/1/2013
Date of close of registration (29 days before the election) [Section 1-2-201(3), C.R.S.]	3/4/2013
Date ballots will be mailed (no sooner than 22 days before the election and no later than 18 days before the election) [Section 1-7.5-107(3), C.R.S.]	3/11/2013 through 3/15/2013
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) [Section 1-7.5-107(3), C.R.S.]	3/11/2013
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) [Section 1-7.5-107(2), C.R.S.]	3/13/2013
Date of publication of notice of election, including information regarding walk-in and accessible voting options.(no later than 20 days before the election) [Sections 1-5-705 and 1-7.5-107(2.5), C.R.S.]	3/13/2013
Date verification and counting of ballots will begin (counting may begin 15 days before the election) [Section 1-7.5-107.5, C.R.S.]	3/18/2013
Date of election	4/2/2013

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

**\*\* If your return envelope is stamped in RED "ID Required", please read this section.**

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.

- A valid Colorado driver's license;
- A valid identification card issued by the Department of Revenue;
- A valid U.S. passport;
- A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state;
- A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States;
- A valid U.S. military identification card with a photograph of the eligible elector;
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.
- A valid Medicare or Medicaid card issued by the Centers for Medicare and Medicaid Services;
- A certified copy of a U.S. birth certificate for the elector issued in the United States;
- Certified documentation of naturalization;
- A valid student identification card with a photograph of the eligible elector issued by an institute of higher education in Colorado, as defined in section 23-3.1-102(5), C.R.S.;
- A valid veteran identification card issued by the United States department of veterans affairs veterans health administration with a photograph of the eligible elector.
- A valid identification card issued by a federally recognized tribal government certifying tribal membership.

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 at (970) 244-1662.

**Return your ballot**

You may return your voted ballot by mail (don't forget to include adequate postage, of one stamp) 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.**

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

**Mesa County Elections Office**  
200 S. Spruce Street  
Grand Junction, CO 81501  
8:00 a.m. – 5:00 p.m. Monday thru Friday

**City of Grand Junction Clerks' Office**  
250 N. 5<sup>th</sup> Street  
Grand Junction, CO 81501  
7:30 a.m. – 5:30 p.m. Monday thru Friday

**Mesa County Main Motor Vehicle Office**  
200 S. Spruce Street  
Grand Junction, CO 81501  
7:30 a.m. – 5:30 p.m. Monday thru Friday

**Secrecy Sleeve with Voter Instructions  
City of Grand Junction Election, April 2, 2013**

**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 on opposite side.

**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.

\*\* See other side for information about whether you are required to provide identification and how to return your ballot.

**Frequently Asked Questions:**

**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, 8:00 a.m. to 5:00 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.

**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.



**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**

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 Ben Schler via phone at 303-894-2200 ext. 6342 or via email at [benjamin.schler@sos.state.co.us](mailto:benjamin.schler@sos.state.co.us) with any questions you may have.



**Attach 4  
CITY COUNCIL AGENDA ITEM**

Date: December 14, 2012  
Author: Scott D. Peterson  
Title/ Phone Ext: Senior  
Planner/1447  
Proposed Schedule: Resolution  
Referring Petition, January 16,  
2013. 1<sup>st</sup> Reading Zoning:  
February 6, 2013  
2nd Reading: February 20, 2013  
File #: ANX-2012-518

<b>Subject:</b> Feuerborn Annexation, Located at 2902 and 2906 D Road
<b>Action Requested/Recommendation:</b> Adopt a Resolution Referring the Petition and Exercising Land Use Control for the Feuerborn Annexation, Introduce a Proposed Ordinance and Set a Hearing for February 20, 2013
<b>Presenters Name &amp; Title:</b> Scott D. Peterson, Senior Planner

**Executive Summary:**

A request to annex 2.69 acres, located at 2902 and 2906 D Road. The Feuerborn Annexation consists of two parcels, including portions of the 29 Road and D Road rights-of-way. The total annexation area contains 3.40 acres of which 0.71 acres or 30,826 sq. ft. is right-of-way.

**Background, Analysis and Options:**

The two properties requesting annexation into the City are located at 2902 and 2906 D Road. The properties have recently been sold and are anticipated to be developed as a Maverik convenience store in the near future. The property owners have requested annexation into the City and a zoning of C-1, (Light Commercial). Under the 1998 Persigo Agreement with Mesa County all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City.

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

The proposed Annexation meets with Goals 1, 3, and 12 of the Comprehensive Plan by implementing land use decisions that are consistent with the Comprehensive Plan and by the creation of “centers” throughout the community that provide services and commercial areas. The proposed zoning will also provide appropriate commercial development opportunities.

**Goal 1:** To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

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

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

**Board or Committee Recommendation:**

The Planning Commission will consider the Zone of Annexation on January 22, 2013. Their recommendation will be forwarded for 1<sup>st</sup> Reading of the Zoning Ordinance on February 6, 2013.

**Financial Impact/Budget:**

None.

**Legal issues:**

There are none.

**Other issues:**

None.

**Previously presented or discussed:**

N/A.

**Attachments:**

1. Staff report/Background information
2. Annexation / Site Location Map; Aerial Photo Map
3. Comprehensive Plan Map; Existing City and County Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		2902 and 2906 D Road		
<b>Applicants:</b>		Maverik, Inc., Owners Don Lilyquist, Maverik, Inc., Representative		
<b>Existing Land Use:</b>		Single-family detached home and vacant land		
<b>Proposed Land Use:</b>		Maverik convenience store		
<b>Surrounding Land Use:</b>	<b>North</b>	Single-family detached home		
	<b>South</b>	Single-family detached home large acreage		
	<b>East</b>	Single-family detached home		
	<b>West</b>	Colorado Mesa University owned property, large acreage		
<b>Existing Zoning:</b>		RSF-R, (Residential Single Family – Rural) (County)		
<b>Proposed Zoning:</b>		C-1, (Light Commercial)		
<b>Surrounding Zoning:</b>	<b>North</b>	RSF-R, (Residential Single Family – Rural) (County)		
	<b>South</b>	RSF-R, (Residential Single Family – Rural) (County)		
	<b>East</b>	RSF-R, (Residential Single Family – Rural) (County)		
	<b>West</b>	PD, (Planned Development) (City)		
<b>Future Land Use Designation:</b>		Village Center and Mixed Use Corridor along 29 Road		
<b>Zoning within density range?</b>		X	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 3.40 acres of land and is comprised of two parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement with Mesa County all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Feuerborn Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;

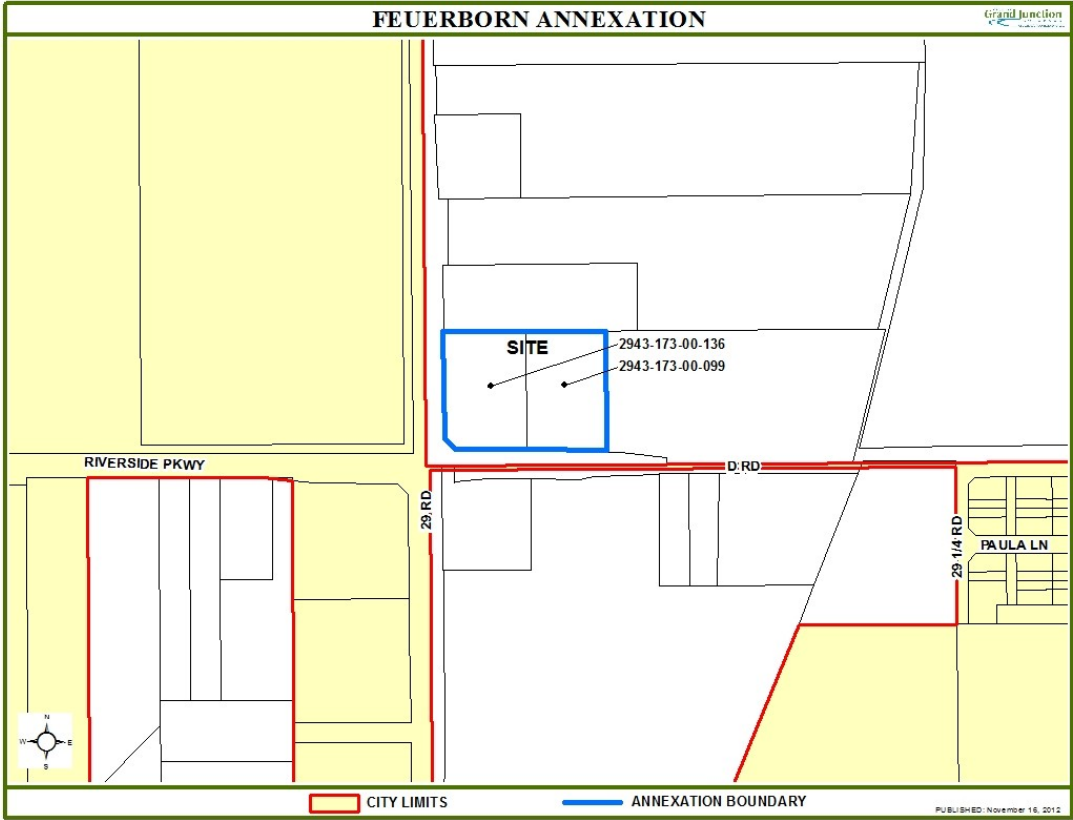
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

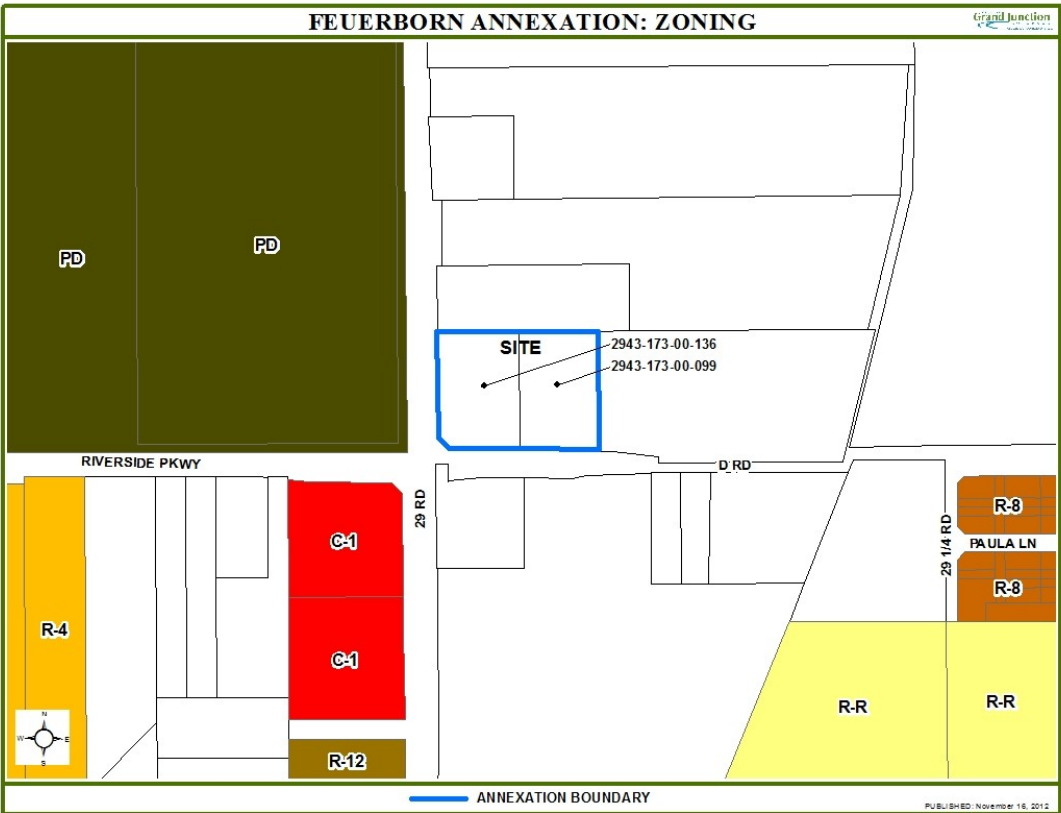
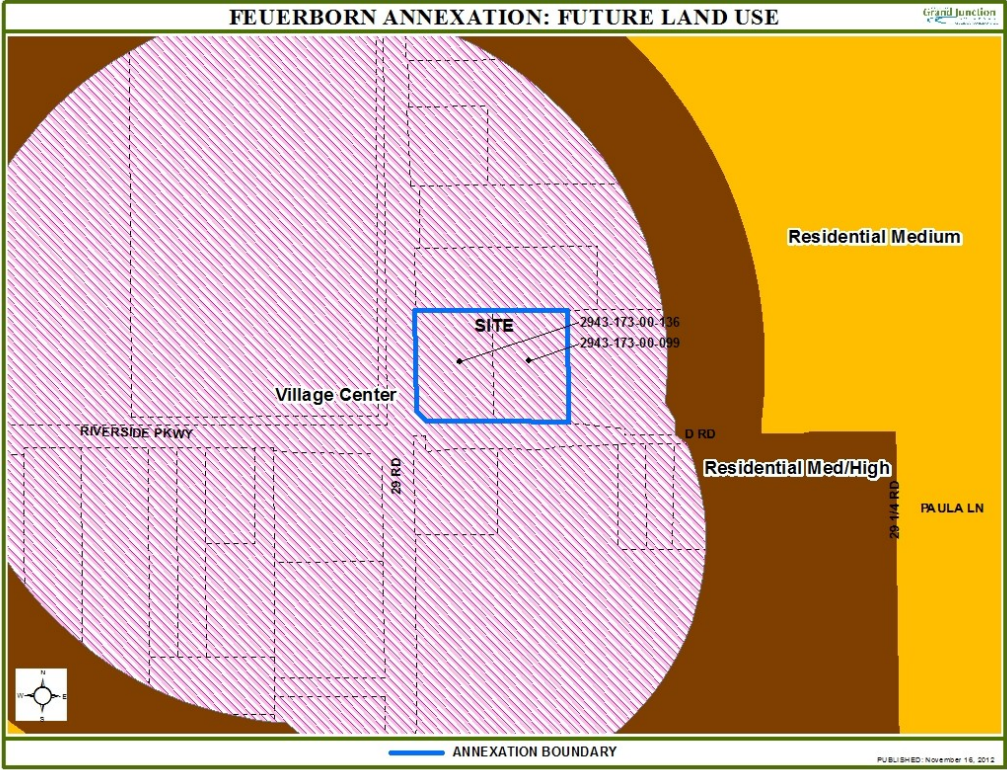
The following annexation and zoning schedule is being proposed.

<b><i>ANNEXATION SCHEDULE</i></b>	
<b>January 16, 2013</b>	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
<b>January 22, 2013</b>	Planning Commission considers Zone of Annexation
<b>February 6, 2013</b>	Introduction of a Proposed Ordinance on Zoning by City Council
<b>February 20, 2013</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>March 24, 2013</b>	Effective date of Annexation and Zoning

**FEUERBORN ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2012-518	
<b>Location:</b>	2902 and 2906 D Road	
<b>Tax ID Number:</b>	2943-173-00-136 and 2943-173-00-099	
<b># of Parcels:</b>	2	
<b>Estimated Population:</b>	0	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	3.40	
<b>Developable Acres Remaining:</b>	2.69	
<b>Right-of-way in Annexation:</b>	0.71	
<b>Previous County Zoning:</b>	RSF-R, (Residential Single Family – Rural)	
<b>Proposed City Zoning:</b>	C-1, (Light Commercial)	
<b>Current Land Use:</b>	Single-family detached and vacant land	
<b>Future Land Use:</b>	Maverik convenience store	
<b>Values:</b>	<b>Assessed:</b>	\$5,480
	<b>Actual:</b>	\$65,420
<b>Address Ranges:</b>	2902 and 2906 D Road	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water Conservancy District
	<b>Sewer:</b>	Persigo 201
	<b>Fire:</b>	Grand Junction Fire
	<b>Irrigation/ Drainage:</b>	Grand Valley Irrigation Company/ Grand Valley Drainage District
	<b>School:</b>	District 51
	<b>Pest:</b>	N/A







**NOTICE OF HEARING  
ON PROPOSED ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO**

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 16<sup>th</sup> day of January, 2013, the following Resolution was adopted:

**CITY OF GRAND JUNCTION, COLORADO**

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

**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**

**FEUERBORN ANNEXATION**

**LOCATED AT 2902 AND 2906 D ROAD**

WHEREAS, on the 16<sup>th</sup> day of January, 2013, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**FEUERBORN ANNEXATION**

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian and assuming the West line of the SW 1/4 SW 1/4 of said Section 17 bears S 00°13'10" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, also being the East line of the Mesa State College Property Annexation, City of Grand Junction Ordinance No. 4081, as same is recorded in Book 4454, Page 809, Public Records of Mesa County, Colorado, a distance of 330.00 feet; thence N 89°58'45" E, a distance of 449.14 feet; thence S 00°01'15" E, a distance of 330.00 feet to a point on the South line of the SW 1/4 SW 1/4 of said Section 17; thence S 89°58'45" W, along the South line of the SW 1/4 SW 1/4 of said Section 17, also being the North line of Ephemeral Resources Annexation No. 2, City of Grand Junction Ordinance No. 3298, as same is recorded in Book 2765, Page 672, Public Records of Mesa County, Colorado, a distance of 448.00 feet, more or less, to the Point of Beginning.

CONTAINING 148,029 Square Feet or 3.40 Acres, more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 20<sup>th</sup> day of February, 2013, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Attest:

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

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

**NOTICE IS FURTHER GIVEN** that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

---

City Clerk

<i>DATES PUBLISHED</i>
<b>January 18, 2013</b>
<b>January 25, 2013</b>
<b>February 1, 2013</b>
<b>February 8, 2013</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ANNEXING TERRITORY TO THE  
CITY OF GRAND JUNCTION, COLORADO**

**FEUERBORN ANNEXATION**

**APPROXIMATELY 3.40 ACRES**

**LOCATED AT 2902 AND 2906 D ROAD**

**WHEREAS**, on the 16<sup>th</sup> day of January, 2013, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 20<sup>th</sup> day of February, 2013; and

**WHEREAS**, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

**FEUERBORN ANNEXATION**

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian and assuming the West line of the SW 1/4 SW 1/4 of said Section 17 bears S 00°13'10" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, also being the East line of the Mesa State College Property Annexation, City of Grand Junction Ordinance No. 4081, as same is recorded in Book 4454, Page 809, Public Records of Mesa County, Colorado, a distance of 330.00 feet; thence N 89°58'45" E, a distance of 449.14 feet; thence S 00°01'15" E, a distance of 330.00 feet to a point on the South line of the SW 1/4 SW 1/4 of said Section 17; thence S 89°58'45" W, along the South line of the SW 1/4 SW 1/4 of said Section 17, also being the North line of Ephemeral Resources Annexation No. 2, City of

Grand Junction Ordinance No. 3298, as same is recorded in Book 2765, Page 672, Public Records of Mesa County, Colorado, a distance of 448.00 feet, more or less, to the Point of Beginning.

CONTAINING 148,029 Square Feet or 3.40 Acres, more or less, as described

be and is hereby annexed to the City of Grand Junction, Colorado.

**INTRODUCED** on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

**ADOPTED** on second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

Attest:

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

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



Date: January 5, 2013  
 Author: Brian Rusche  
 Title/ Phone Ext:  
Senior Planner x. 4058  
 Proposed Schedule: Notice of Intent  
to Annex – January 16, 2013  
 2nd Reading: April 3, 2013  
 File #: ANX-2012-574

**Attach 5  
 CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Annexation of the Rock Shop Enclave, Located South of D Road, East of S. 15 <sup>th</sup> Street, and South of the Riverside Parkway on both sides of 27 ½ Road, North of Las Colonias Park
<b>Action Requested/Recommendation:</b> Adopt a Resolution of Intent to Annex the Rock Shop Enclave, Introduction of the Proposed Ordinance, and Set a Hearing for April 3, 2013
<b>Presenters Name &amp; Title:</b> Brian Rusche, Senior Planner

**Executive Summary:**

A request to annex 53.66 acres of enclaved property, consisting of 68 parcels and 3.84 acres of public right-of-way.

**Background, Analysis and Options:**

Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five (5) years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years. The property has been enclaved since May 20, 2007 by the Brady Trucking Annexation.

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

**Goal 1:** To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Annexation of this enclave will create consistent land use jurisdiction and allow for efficient provision of municipal services.

**Board or Committee Recommendation:** The Zone of Annexation is scheduled before the Planning Commission on January 22, 2013.

**Financial Impact/Budget:** The provision of municipal services will be consistent with adjacent properties already in the City. Property tax levies and municipal sales/use taxes will be collected within the enclaved area upon annexation.

**Legal issues:** None.

**Other issues:** None.

**Previously presented or discussed: No**

**Attachments:**

1. Staff Report/Background information
2. Annexation Summary
3. Annexation Map
4. Future Land Use Map
5. Existing City/County Zoning Map
6. Resolution
7. Ordinance



<i>STAFF REPORT / BACKGROUND INFORMATION</i>					
<b>Location:</b>		see annexation map			
<b>Applicant:</b>		City of Grand Junction			
<b>Existing Land Use:</b>		Commercial / Industrial / Residential			
<b>Proposed Land Use:</b>		Industrial			
<b>Surrounding Land Uses:</b>	<b>North</b>	Union Pacific Railroad			
	<b>South</b>	Las Colonias Park Industrial			
	<b>East</b>	Industrial			
	<b>West</b>	Las Colonias Park Industrial			
<b>Existing Zoning:</b>		County RSF-R (Residential Single-Family Rural) County I-2 (General Industrial)			
<b>Proposed Zoning:</b>		I-1 (Light Industrial)			
<b>Surrounding Zoning:</b>	<b>North</b>	I-1 (Light Industrial)			
	<b>South</b>	CSR (Community Services and Recreation) I-1 (Light Industrial)			
	<b>East</b>	I-1 (Light Industrial) / I-2 (General Industrial)			
	<b>West</b>	I-2 (General Industrial) CSR (Community Services and Recreation)			
<b>Future Land Use Designation:</b>		Industrial Commercial/Industrial (south of Ruby/Winters Ave)			
<b>Zoning within density range?</b>		X	<b>Yes</b>		<b>No</b>

The annexation area is 53.66 acres, consisting of 68 parcels and 3.84 acres of public right-of-way.

Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five (5) years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years. The property has been enclaved since May 20, 2007 by the Brady Trucking Annexation.

The following annexation and zoning schedule is being proposed:

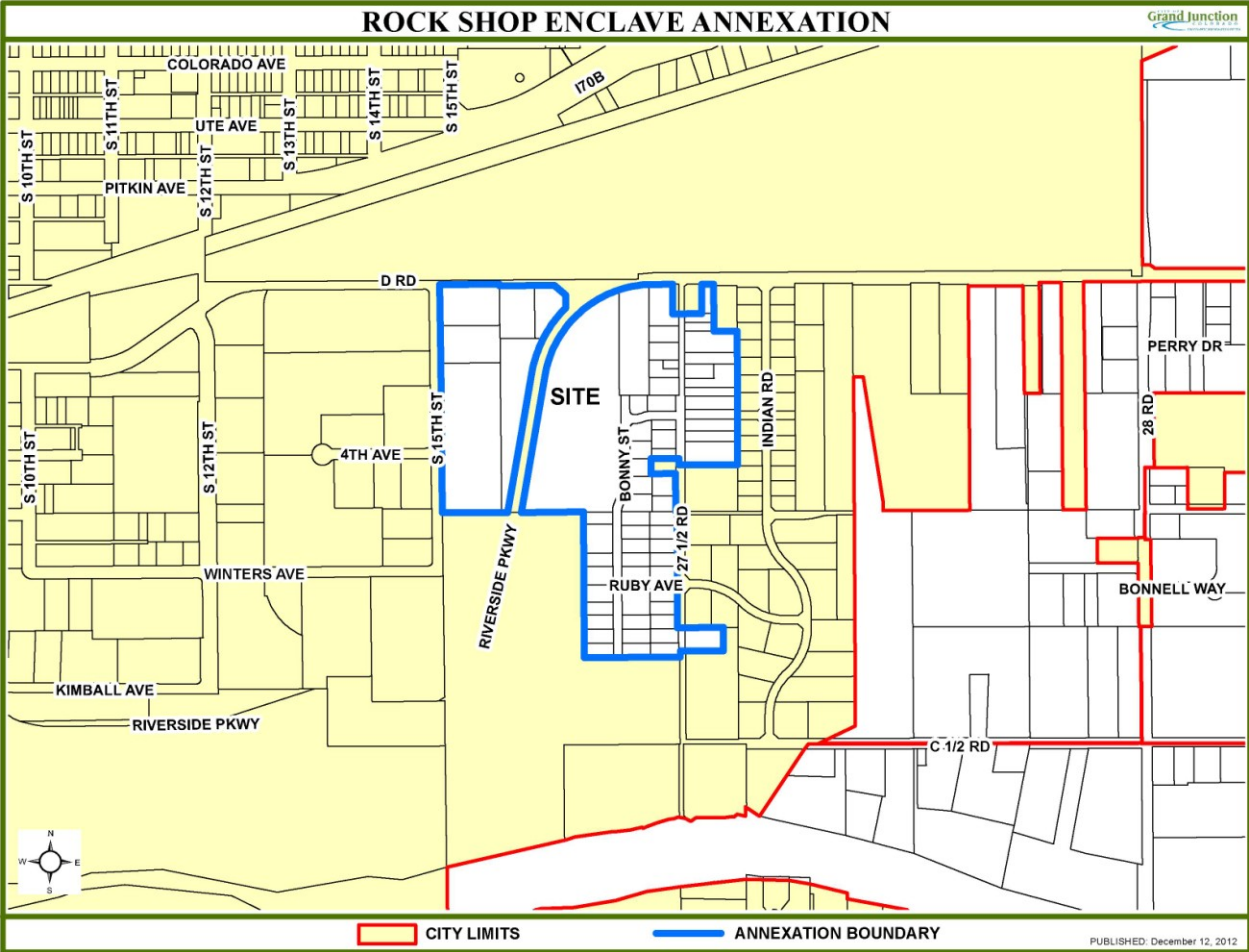
<i>ANNEXATION SCHEDULE</i>	
<b>January 16, 2013</b>	Notice of Intent to Annex (30 Day Notice), Exercising Land Use
<b>January 22, 2013</b>	Planning Commission considers Zone of Annexation
<b>February 6, 2013</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>April 3, 2013</b>	Public Hearing on Annexation and Zoning by City Council

<b>May 5, 2013</b>	Effective date of Annexation and Zoning
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<b>ROCK SHOP ENCLAVE ANNEXATION SUMMARY</b>	
<b>File Number:</b>	ANX-2012-574
<b>Location:</b>	see annexation map
<b>Tax ID Number(s):</b>	see annexation map
<b># of Parcels:</b>	68
<b>Estimated Population:</b>	59 (2010 Census)
<b># of Parcels (owner occupied):</b>	19
<b># of Dwelling Units:</b>	33
<b>Acres land annexed:</b>	53.66
<b>Developable Acres Remaining:</b>	49.82
<b>Right-of-way in Annexation:</b>	3.84 acres (167,402 square feet)
<b>Previous County Zoning:</b>	County RSF-R (Residential Single-Family Rural) County I-2 (General Industrial)
<b>Proposed City Zoning:</b>	I-1 (Light Industrial)
<b>Current Land Use:</b>	Commercial / Industrial / Residential
<b>Future Land Use:</b>	Industrial
<b>Values:</b>	<b>Assessed:</b> \$2,338,750
	<b>Actual:</b> \$10,234,370
<b>Address Ranges:</b>	multiple
<b>Special Districts:</b>	<b>Water:</b> City of Grand Junction (4 parcels) Ute Water Conservancy District
	<b>Sewer:</b> Persigo 201
	<b>Fire:</b> Grand Junction Rural Fire District
	<b>Drainage:</b> Grand Valley Drainage District
	<b>School:</b> Mesa County Valley School District #51
	<b>Irrigation:</b> Grand Valley Irrigation Company
	<b>Pest:</b> Grand River Mosquito Control District

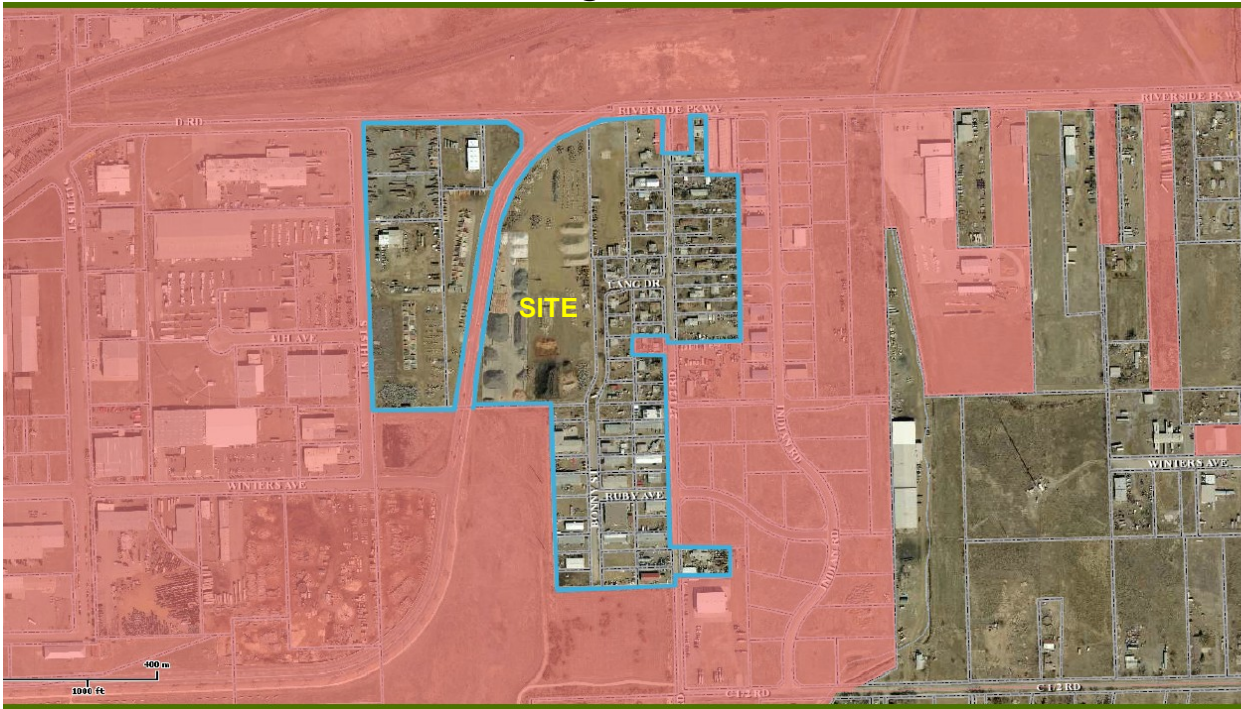
# Annexation Map

Figure 1

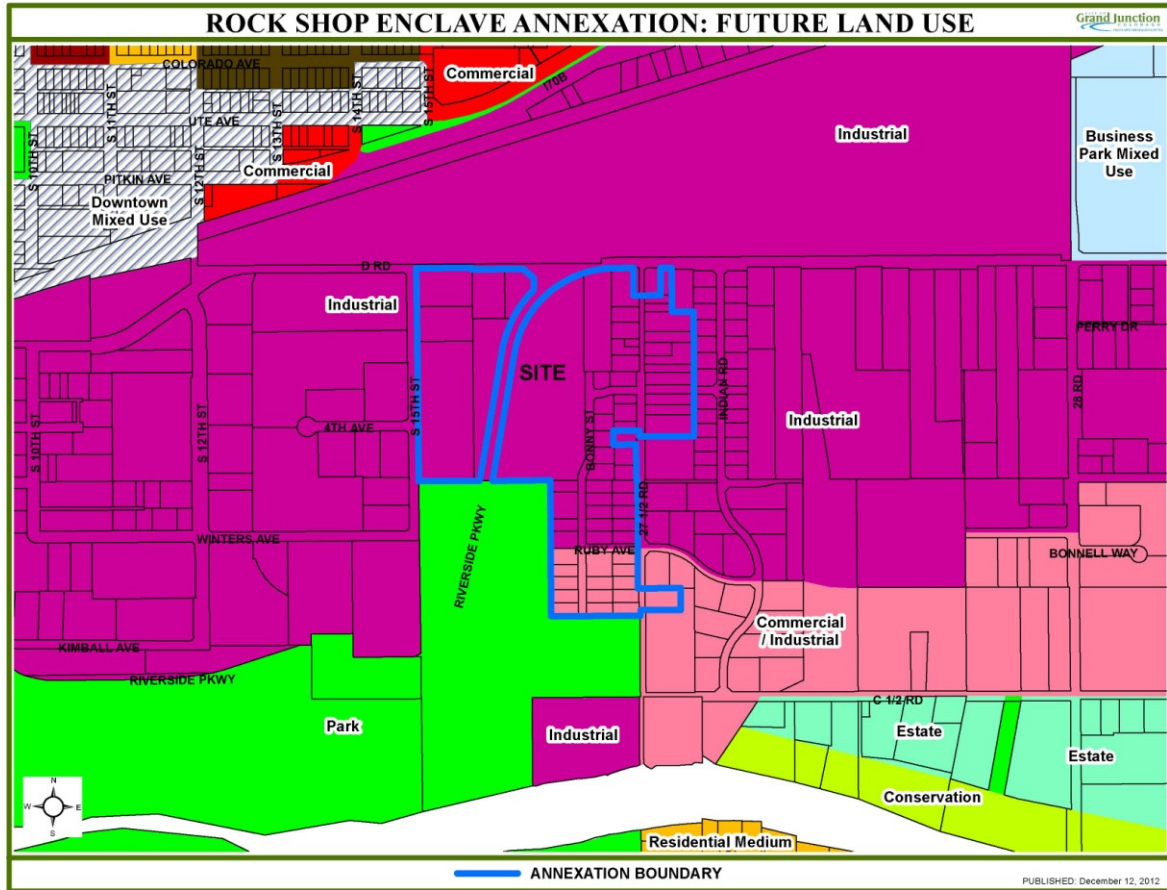


# Aerial Photo Map

Figure 2

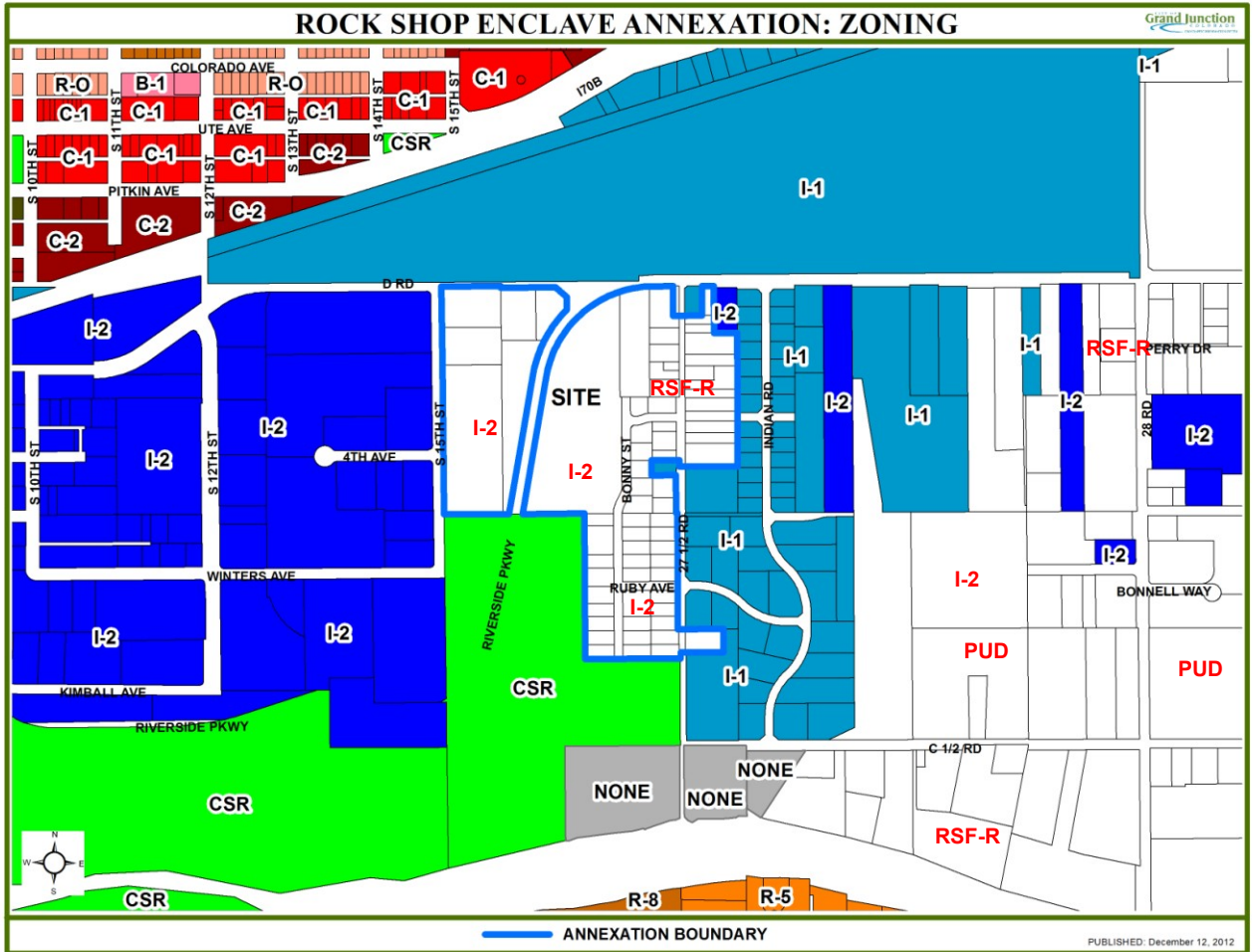


# Comprehensive Plan – Future Land Use Map Figure 3



# Existing City and County Zoning Map

Figure 4



**NOTICE OF INTENT  
ON PROPOSED ANNEXATION OF LANDS  
TO THE CITY OF GRAND JUNCTION, COLORADO**

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 16<sup>th</sup> of January, 2013, the following Resolution was adopted:

**CITY OF GRAND JUNCTION, COLORADO**

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

**A RESOLUTION OF THE CITY OF GRAND JUNCTION  
GIVING NOTICE THAT A TRACT OF LAND KNOWN AS THE**

**ROCK SHOP ENCLAVE**

**LOCATED SOUTH OF D ROAD, EAST OF S. 15<sup>TH</sup> STREET,  
AND SOUTH OF THE RIVERSIDE PARKWAY, ON BOTH SIDES OF 27 ½ ROAD,  
NORTH OF LAS COLONIAS PARK**

**CONSISTING OF APPROXIMATELY 53.66 ACRES**

**WILL BE CONSIDERED FOR ANNEXATION  
TO THE CITY OF GRAND JUNCTION, COLORADO**

**AND EXERCISING LAND USE CONTROL**

WHEREAS, on the 16<sup>th</sup> day of January, 2013, the Public Works and Planning Director filed with the City Clerk of the City of Grand Junction, Colorado, a request that the City Council of the City of Grand Junction commence proceedings to annex to the City of Grand Junction a certain tract of land in the County of Mesa, State of Colorado, commonly known as the Rock Shop Enclave and more particularly described as follows:

**ROCK SHOP ENCLAVE ANNEXATION**

A certain enclaved parcel of land lying in the West One-half (W 1/2) of the Northeast Quarter (NE 1/4) and the East One-half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 24, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL the lands contiguous with and bounded on all sides by the following City of Grand Junction Annexations recorded in the Public Records of Mesa County, Colorado:

1. Riverside Parkway Annexation No. 1, City of Grand Junction Ordinance No. 4319, as same is recorded in Book 4782, Page 921
2. Reimer Annexation, City of Grand Junction Ordinance No. 4341, as same is recorded in Book 4831, Page 495
3. D Road Annexation, City of Grand Junction Ordinance No. 3683, as same is recorded in Book 3766, Page 536
4. Indian Road Industrial Subdivision Annexation No. 2, City of Grand Junction Ordinance No. 3677, as same is recorded in Book 3763, Page 740
5. Foster Industrial Annexation, City of Grand Junction Ordinance No. 4175, as same is recorded in Book 4598, Page 556
6. Indian Wash Rentals Annexation, City of Grand Junction Ordinance No. 4147, as same is recorded in Book 4562, Page 641



7. South Fifteenth Street Annexation, City of Grand Junction Ordinance No. 2312, as same is recorded in Book 1615, Page 949
8. Brady Trucking Annexation, City of Grand Junction Ordinance No. 4067, as same is recorded in Book 4407, Page 413

CONTAINING 2,337,457 Square Feet or 53.66 Acres, more or less, as described.

WHEREAS, the area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than three (3) years, pursuant to C.R.S. 31-12-106(1);

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

1. That the City Clerk of the City of Grand Junction is hereby directed to give notice of the City Council's intent to annex the aforementioned area, pursuant to the Municipal Annexation Act of 1965.
2. That the ordinance annexing the subject area was introduced and given first reading on this 16<sup>th</sup> day of January, 2013, with a second reading and public hearing on the proposed annexation ordinance to be held on the 3<sup>rd</sup> day of April, 2013, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:00 PM.
3. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals, and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the \_\_\_ day of \_\_\_\_\_, 2013.

Attest:

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

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

**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE ANNEXING TERRITORY TO THE  
CITY OF GRAND JUNCTION, COLORADO**

**ROCK SHOP ENCLAVE**

**LOCATED SOUTH OF D ROAD, EAST OF S. 15<sup>TH</sup> STREET,  
AND SOUTH OF THE RIVERSIDE PARKWAY, ON BOTH SIDES OF 27 ½ ROAD,  
NORTH OF LAS COLONIAS PARK**

**CONSISTING OF APPROXIMATELY 53.66 ACRES**

WHEREAS, on the 16<sup>th</sup> day of January, 2013, the City Council of the City of Grand Junction gave notice that they will consider for annexation to the City of Grand Junction the following described territory, commonly known as the Hernandez Enclave; and

WHEREAS, a hearing and second reading on the proposed annexation ordinance was duly held after proper notice on the 3<sup>rd</sup> day of April, 2013; and

WHEREAS, the area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than three (3) years, pursuant to C.R.S. 31-12-106(1); and

WHEREAS, the requirements of Section 30, Article II of the Colorado Constitution have been met, specifically that the area is entirely surrounded by the annexing municipality.

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

That the property situate in Mesa County, Colorado, and described to wit:

**ROCK SHOP ENCLAVE ANNEXATION**

A certain enclaved parcel of land lying in the West One-half (W 1/2) of the Northeast Quarter (NE 1/4) and the East One-half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 24, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL the lands contiguous with and bounded on all sides by the following City of Grand Junction Annexations recorded in the Public Records of Mesa County, Colorado:

1. Riverside Parkway Annexation No. 1, City of Grand Junction Ordinance No. 4319, as same is recorded in Book 4782, Page 921

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7. South Fifteenth Street Annexation, City of Grand Junction Ordinance No. 2312, as same is recorded in Book 1615, Page 949
8. Brady Trucking Annexation, City of Grand Junction Ordinance No. 4067, as same is recorded in Book 4407, Page 413

CONTAINING 2,337,457 Square Feet or 53.66 Acres, more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

**INTRODUCED** on first reading the \_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

Attest:

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

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



Date: December 18, 2012  
 Author: Jim Finlayson  
 Title/ Phone Ext: Information  
Technology Manager, ext. 1525  
 Proposed Schedule: January 16, 2013  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Attach 6  
 CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Sole Source Purchase of InfraMAP Software
<b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Enter into a Sole Source Contract with iWater of Irvine, CA in the Amount of \$76,980
<b>Presenter(s) Name &amp; Title:</b> Jim Finlayson, Information Technologies Manager Jay Valentine, Internal Services Manager

**Executive Summary:**

This request is for the sole source purchase of a software system required for remotely editing and updating City infrastructure data. The software interfaces with the City's Public Works Asset Management System (Lucity) and provides field access for Parks and Public Works employees to the data, maps, and work flow for that system.

**Background, Analysis and Options:**

City departments increasingly find that employees are more efficient if they are able to access City networks and applications from their vehicles in the field. At the same time, changing technologies mean that remote access technologies must change to keep pace. This system provides Parks and Public Works workers with the ability to access work requests, maps, and drawings and track maintenance activities on the almost 100,000 separate assets tracked in Lucity.

This contract includes all necessary software, installation services and training to connect 20 laptops to the Lucity system in the field. The laptops will be used by Public Works, Utilities and Parks employees to more efficiently maintain the City's critical infrastructure assets. The sole source requirement is based on the need for integration, conformity and compatibility with existing City hardware and software systems.

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

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

This project will help staff efficiently maintain and access critical infrastructure data in the field.

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

Adequate funds have been budgeted in the Information Technology Fund for this purchase.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

N/A



Date: 12/24/2012  
 Author: Terry Franklin  
 Title/ Phone Ext: Utilities Manager  
 Proposed Schedule: January 16, 2013  
 \_\_\_\_\_  
 \_\_\_\_\_  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 \_\_\_\_\_

**Attach 7  
 CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Contract for Electrical Equipment Upgrades for Water Treatment Facility
<b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Enter into a Contract with EC Electric in the Amount of \$57,342.05
<b>Presenter(s) Name &amp; Title:</b> Terry Franklin, Utilities and Streets Manager Rick Brinkman, Water Services Manager Jay Valentine, Internal Services Manager

**Executive Summary:**

Request to enter into a contract with EC Electric, Grand Junction, CO to relocate and replace the main electrical distribution switchgear at the Water Treatment Facility.

**Background, Analysis and Options:**

With the addition of photovoltaic solar, a standby generator for backup power and aging electrical equipment at the water treatment facility it is necessary to relocate and upgrade the main electrical distribution switchgear that feeds power into the main building. The old equipment did not have the necessary equipment or space needed to connect the needed resources into the existing switchgear. This project also allows us to remove some very old electrical transformers from a power pole next to the building and switchover to an underground electrical feed system.

A formal Invitation for Bids was issued through BidNet (an on-line site for government agencies to post solicitations), posted on the City's website, advertised in The Daily Sentinel, and sent to a source list of local contractors including the Western Colorado Contractors Association (WCCA). Three bids were received, in the following amounts:

FIRM	LOCATION	COST
EC Electric	Grand Junction, CO	\$57,342.05
Barnes Electric	Grand Junction, CO	\$59,234.60
Tarpon Electric	Grand Junction, CO	\$68,933.00

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

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

This purchase will assist the Water Services Division in providing safe and uninterrupted drinking water to our customers.

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

Budgeted funds for this purchase have been accrued in the Water Fund.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

N/A

## CITY COUNCIL AGENDA ITEM

**Subject:** Setting a Ballot Title in Response to a Protest Against Ordinance No. 4295, An Ordinance Zoning the Brady South Annexation to Industrial/Office Park (I-O) Zone District Located at 347 and 348 27 ½ Road and 2757 C ½ Road

**Action Requested/Recommendation** Adopt the Proposed Resolution Setting the Ballot Title for the April 2, 2013 Municipal Election

**Presenter(s) Name & Title:** John Shaver, City Attorney

### Executive Summary:

The ordinance zoning these properties was protested through a successful referendum petition. The City Council at their September 5, 2012 meeting determined it was appropriate to refer the matter to the next regular election on April 2, 2013.

### Background, Analysis and Options:

Planning Commission considered the application at its September 11, 2007 meeting and recommended approval of the I-O (Industrial/Office Park) zoning for all three parcels: the owner preferred the higher intensity I-1.

City Council considered the Planning Commission's recommendation on the application at its June 16, 2008 meeting. At that time three Councilmembers supported the PC recommendation and three did not (Councilmember Hill recused himself due to a conflict of interest). The Council tried twice to get a decision and remained deadlocked. It was determined that a compromise could not be reached so City Council requested that the item be reconsidered at a later date.

Staff then worked with the owner and developed some buffering standards, clarified trail dedication, and landscaping and a compromise was reached between staff and the Owner to zone the properties a combination of I-1 and I-O with certain conditions. Councilmembers Beckstein, Coons, Thomason and Todd supported the compromise



proposal and on September 17, 2008, with a four to two vote, Council passed Ordinance No. 4295.

Within the thirty days following the final adoption of the Ordinance, a referendum petition was initiated, circulated and returned to the City Clerk thus suspending the Ordinance from going into effect. The petition representatives were Harry Griff and Candi Clark.

The City Clerk certified sufficient signatures on the petitions for the referendum to be taken to the City Council at its meeting on December 3, 2008 (See attached Examination Certificate). Prior to the City Council meeting, on December 2, 2008, Diane Schwenke filed a protest to the petitions. The protest initiated a hearing process whereby the City Clerk heard arguments both for and against the protest. That hearing was held on January 9, 2009.

The City Clerk ruled on January 16, 2009 that petition section #079 which contained 18 signatures should be deemed invalid. That finding reduced the number of valid signatures to below the minimum required resulting in the petition becoming legally insufficient. Based on that finding the zoning ordinance was then effective. To prevent the zoning called for in Ordinance No. 4295 from taking effect, the petition group (Candi Clark *et. al.*) filed a lawsuit challenging the City Clerk's findings.

The short version of the lawsuit is that Chief District Court Judge Bottger agreed with the City Clerk's decision invalidating petition section #079 (the signatures that Candi Clark notarized, including her own.)

The petition group appealed Bottger's decision to the Colorado Court of Appeals. The Court of Appeals overturned Bottger on the notary issue. Brady asked the Supreme Court to review the Court of Appeals decision but that request was denied and the case was remanded to Bottger.

Recently Judge Bottger ruled on the other claims in the lawsuit (he affirmed the other decisions that the City Clerk made; however, because of the notary issue those rulings did not help resolve the case) and remanded the case to the City. Now with the remand the matter is set for hearing by the City Council.

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

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

**Board or Committee Recommendation:**

NA

**Financial Impact/Budget:**

There is no financial impact as the matter is being placed before the voters at a regular election.

**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:**

This was discussed at the September 5, 2012 City Council meeting.

**Attachments:**

Proposed Resolution

## RESOLUTION NO. \_\_-13

### **A RESOLUTION SETTING A BALLOT TITLE AND SUBMITTING TO THE ELECTORATE ON APRIL 2, 2013 A MEASURE REGARDING ZONING PROPERTY LOCATED AT 347 27 1/2 ROAD, 348 27 1/2 ROAD AND 2757 C 1/2 ROAD IN THE CITY OF GRAND JUNCTION, COLORADO**

#### RECITALS.

SLB Enterprises *d.b.a.* Brady Trucking purchased the property at 347 and 348 27 1/2 Road and 2757 C1/2 Road in 2006. At that time the property had not been annexed to the City. The property was zoned I-2 (heavy industrial) in the County.

After annexation in 2008 the City Council zoned some of the property I-1 (light industrial) and some I-O (industrial office). As part of the zoning process City staff and the applicant agreed on and proposed a trail location/plan for the extension of the Riverfront trail. That proposal was included in and approved by the City Council in the form of Ordinance 4295.

A citizens group petitioned to suspend Ordinance 4295 under section 136 of the City Charter. The City Charter 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."

At the time of the protest 1860 signatures were required for a valid protest petition. Under the Charter if the petition/signatures are found to be valid then the City Council must reconsider the ordinance and either repeal it or submit it to a vote.

On November 10, 2008, after invalidating 744 signatures, City Clerk Tuin found that the petition contained 1864 valid signatures and thus Ordinance 4295 was suspended from taking effect. The property owner and Diane Schwenke filed a protest of the City Clerk's decision.

On January 9, 2009 the City Clerk held a hearing on the protest. Among other arguments the protesters claimed that the petition was defective because Candi Clark had a disqualifying interest under the Colorado Notary Act.

After the hearing the City Clerk issued a ruling that disqualified one petition section (section 079) and with that disqualification the number of valid signatures on the petition dropped to 1846. Because the 1860 signature threshold was not met, the petition was legally insufficient. The petition proponents filed suit challenging the City's findings.

Mesa County District Court Chief Judge David Bottger affirmed the City Clerks decision. The petition proponents appealed Bottger's decision. The Colorado Court of Appeals overturned Bottger; the Colorado Supreme Court declined to hear an appeal and the case was remanded to Judge Bottger for disposition. Bottger ruled on all matters in the case in early August 2012 and the case was remanded to the City.

Pursuant to the Charter and because of the prior legal rulings, the City Council reconsidered Ordinance 4295 on September 5, 2012. Under the City Charter the City Council had the option to repeal the ordinance or to refer it to the ballot. The City Council acted by a majority vote to refer Ordinance 4295 to the voters at the April 2013 election.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING QUESTION BE PLACED ON THE APRIL 2, 2013 BALLOT:

**CITY OF GRAND JUNCTION REFERRED MEASURE A**

**Shall Ordinance 4295 zoning property located at 347 27 1/2 Road to I-1, Light Industrial, and zoning property located at 348 27 1/2 Road and 2757 C 1/2 Road to I-O, Industrial Office, with certain conditions, including but not limited to the dedication of a public trail easement 50 feet wide adjacent to the Colorado River along the entire southern property boundary; dedication of a public trail easement 50 feet wide along the east property boundary and installation of a landscape buffer 25 feet wide and a screen wall along the west, north and south property boundaries be adopted?**

**YES, FOR THE ORDINANCE**

**NO, AGAINST THE ORDINANCE**

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Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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President of the Council

ATTEST:

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City Clerk



Date: January 8, 2013

Author: Stephanie Tuin

Title/ Phone Ext: City Clerk, 1511

Proposed Schedule: January 16, 2013

2nd Reading (if applicable): NA

\_\_\_\_\_

File # (if applicable): \_\_\_\_\_ NA

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Setting a Ballot Title on a Measure to Retain and Spend Current Sales and Property Tax Revenue
<b>Action Requested/Recommendation</b> Adopt the Proposed Resolution Setting the Ballot Title for the April 2, 2013 Municipal Election
<b>Presenter(s) Name &amp; Title:</b> John Shaver, City Attorney

**Executive Summary:**

In 1992, the Colorado electorate amended the Colorado Constitution by the passage of the “Taxpayers Bill of Rights” (TABOR Amendment). The Amendment requires, among other things that any time fiscal year revenues exceed the limitation imposed by the Amendment for the fiscal year then the local government must refund the revenues above the allowed limit unless the voters approve otherwise.

Approval of this ballot question would allow the City of Grand Junction to retain and spend current sales and property tax revenue to pay for continued investment in transportation improvements in the City.

**Background, Analysis and Options:**

Passage of the ballot question will maximize resources for the continued investment in transportation improvements. Principal and interest from all retained revenues above the TABOR limit will be budgeted by the City and allocated solely for planning, design and construction of transportation improvements as stated in the question.

A significant portion of the City’s general government revenue is derived from sales tax paid by visitors, shoppers and tourists. Because the City is principally funded by sales tax, the tax burden on City residents is reduced. Sales tax funding of municipal services provides a means of sharing the cost of services among all users. Sales tax will be the primary source of revenues subject to the limits imposed by the TABOR Amendment.

With the passage of the ballot question the funds above the TABOR limit will be used for planning, design and construction on transportation improvement, including completion of the beltway project known as the Riverside Parkway (“Parkway”) with the 29 Road interchange at I-70 on the East, 29 Road, 24 Road and renovation of North Avenue and Horizon Drive.

In 2007 the voters approved the use of TABOR restricted tax money for the Riverside Parkway and transportation system improvements associated with it; approval of the April 2, 2013 ballot question will allow the continued use of that money for additional transportation projects. Because the expiration of the 2007 approval may happen as early as 2015 the City Council has been considering having a TABOR question on the 2013 ballot. The City Council’s options include postponing the question, proposing other projects or having TABOR fully apply.

The ballot question does not repeal any TABOR provisions; voter approval of the ballot question will not increase taxes or tax rates and any future debt or tax increases will be required to have a vote.

The City Council will determine whether to refer the matter to the electorate at the next City election on April 2, 2013.

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

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

**Board or Committee Recommendation:**

The Chamber of Commerce and the Grand Junction Economic Partnership have surveyed their members and assisted in gauging public sentiment regarding a possible question. The Council has received information from those processes as well as a public open house and various City Council meetings.

**Financial Impact/Budget:**

There is no direct financial impact as the matter is being placed before the voters at a regular election.

**Legal issues:**

Pursuant to the TABOR Amendment the citizens have a right to vote on the question should the City Council approve it for the ballot. The City Attorney has reviewed and approved the form of the question and found it to be legally sufficient.

**Other issues:**

The TABOR Amendment is complicated and poses a number of issues; however, none of those are directly concerned with the consideration of the ballot question.

**Previously presented or discussed:**

The TABOR Amendment has been discussed frequently; the ballot title as proposed by the resolution is set for final discussion on anticipation of the April 2, 2013 ballot on January 16, 2013.

**Attachments:**

Proposed Resolution



## RESOLUTION NO. \_\_-13

### **A RESOLUTION SETTING A TITLE AND SUBMITTING TO THE ELECTORATE ON APRIL 2, 2013 A MEASURE TO RETAIN AND SPEND REVENUES AS DEFINED BY ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION**

#### **RECITALS.**

In 1992, the Colorado electorate amended the Colorado Constitution by the passage of the "Taxpayers Bill of Rights" (TABOR Amendment). The Amendment requires, among other things that any time fiscal year revenues exceed the limitation imposed by the Amendment for the fiscal year then the local government must refund the revenues above the allowed limit unless the voters approve otherwise.

A significant portion of the City's general government revenue is derived from sales tax paid by visitors, shoppers and tourists. Because the City is principally funded by sales tax, the tax burden on City residents is reduced. Sales tax funding of municipal services provides a means of sharing the cost of services among all users. Sales tax will be the primary source of revenues subject to the limits imposed by the TABOR Amendment.

Approval of the ballot question would allow the City of Grand Junction to retain and spend current sales and property tax revenue to pay for continued investment in transportation improvements in the City, including completion of the beltway project known as the Riverside Parkway ("Parkway") with the 29 Road interchange at I-70 on the East, 29 Road, 24 Road and renovation of North Avenue and Horizon Drive.

In 2007 the voters approved the use of TABOR restricted tax money for the Parkway and transportation system improvements; approval of the April 2, 2013 ballot question will allow the continued use of that money for additional transportation projects. The ballot question does not repeal any TABOR provisions; voter approval of the ballot question will not increase taxes or tax rates and any future debt or tax increases will be required to have a vote.

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

1. The ballot question will maximize resources for the continued investment in transportation improvements.
2. Principal and interest from all retained excess revenues will be budgeted by the City and allocated solely for planning, design and construction of transportation improvements.
3. The following question be submitted to the registered electors on Tuesday, April 2, 2013.

**City of Grand Junction Referred Measure B**

**“WITHOUT ANY INCREASE IN TAXES OR DEBT (UNLESS THE VOTERS AUTHORIZE ANY INCREASE IN THE FUTURE), SHALL THE CITY OF GRAND JUNCTION, COLORADO BE AUTHORIZED TO RETAIN ALL REVENUES OVER THE AMOUNTS WHICH THE CITY IS PERMITTED TO COLLECT UNDER ARTICLE X, SECTION 20 (ALSO KNOWN AS THE TABOR AMENDMENT) OF THE COLORADO CONSTITUTION TO PAY ALL OR ANY PORTION OF THE COSTS OF THE DESIGN AND CONSTRUCTION OF STREET, SIDEWALK, PATH AND HIGHWAY TRANSPORTATION IMPROVEMENTS KNOWN AND REFERRED TO AS THE BELTWAY, THE INTERCHANGE AT I-70 AND 29 ROAD, 29 ROAD, 24 ROAD AND HORIZON DRIVE FROM 27 ½ ROAD TO THE AIRPORT AND NORTH AVENUE FROM 1ST STREET TO 29 ROAD; PROVIDED THAT ONCE THE COSTS OF SUCH TRANSPORTATION IMPROVEMENTS HAVE BEEN PAID IN FULL THE REVENUE LIMITS OF TABOR SHALL AGAIN APPLY TO THE CITY?”**

YES

NO

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Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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President of the Council

ATTEST:

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City Clerk