

To access the Agenda and Backup Materials electronically, go to www.gjcity.org



**CITY COUNCIL AGENDA
WEDNESDAY, DECEMBER 18, 2013
250 NORTH 5TH 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
Moment of Silence

Proclamation

Proclaiming December 18, 2013 as “International Day of the Migrant” in the City of Grand Junction

Appointments

To the Visitor and Convention Bureau Board of Directors

To the Historic Preservation Board

Council Comments

Citizen Comments

Revised December 18, 2013

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

REVISED

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

Action: Approve the Summaries of the September 30, 2013, October 28, 2013, and December 2, 2013 Workshops and Minutes of the December 4, 2013 Regular Meeting

2. Resolution Affirming the Exchange of Real Property with the Downtown Development Authority [Attach 2](#)

The City and the Downtown Development Authority propose to exchange real property in Downtown.

The City Council first considered the exchange in June; however, the finalization of the exchange was delayed pending the outcome of the Energy Assistance grant application. The grant application process is now complete.

With this resolution the City Council will authorize and ratify the exchange of the property at 600 White Avenue (commonly known as the White Hall property) for three parcels (135 S. 7th Street and 628 and 640 Colorado Avenue) near the Avalon Theatre.

Resolution No. 74-13—A Resolution Ratifying the Exchange, and Other Actions Taken in Support Thereof, of the Real Property Located at 600 White Avenue for the Real Property Located at 135 S. 7th Street and 628 and 640 Colorado Avenue

®Action: Adopt Resolution No. 74-13

Staff presentation: John Shaver, City Attorney

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

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *******3. Special Permit, Located at 2385 G Road [File #SPT-2013-506] [Attach 3](#)**

Application for a special permit to allow interim use of the property for a modular residential unit in a M-U (Mixed Use) zone district with a contradicting

Comprehensive Plan Future Land Use designation of Village Center, in accordance with Section 21.02.120 of the Grand Junction Municipal Code.

Permit No. 2013-2—A Special Permit Pursuant to Section 21.02.120 of the Grand Junction Municipal Code (Zoning and Development Code) for an Interim Use on Property Located at 2385 G Road in Grand Junction, Colorado

Action: Approve a Special Permit to Allow the Interim Use of the Property for an Interim Modular Residential Unit

Staff presentation: Senta Costello, Senior Planner

4. **Resolution to Congress Regarding Federal Responsibility for Treatment and Repair of Damages caused by Storm Water Flows Originating on Federal Lands** [Attach 4](#)

This resolution requests Congress to establish responsibility for treatment and repair of damages caused by storm flows originating on public lands and asks the federal government to allocate funds for construction and maintenance of facilities to prevent damages and repair damages caused by such flows.

Resolution No. 75-13—A Resolution to the Congress of the United States of America Regarding Federal Responsibility Including Financial Responsibility for Treatment and Damages from Storm Water Flows Originating on Federal Lands, and Allocating Funds for: (A) Capital Construction and Maintenance to Prevent Such Damage(s); and/or (B) to Pay for the Costs Needed to Repair Such Damage(s); and (C) to Pay for the Costs of Compliance (e.g., Monitoring, Administrative Compliance Costs, and Treatment of Such Storm Waters)

®Action: Adopt Resolution No. 75-13

Staff presentation: Greg Trainor, Public Works and Utilities Director

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

6. **Other Business**

7. **Adjournment**

Minutes

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

September 30, 2013 – Noticed Agenda Attached

Meeting Convened: 8:30 a.m. in the City Auditorium

Meeting Adjourned: 3:05 p.m.

Council Members present: All except Councilmember McArthur. Staff present: Englehart, Shaver, Schoeber, Watkins, Romero, Franklin, Trainor, Nordine, Valentine, Swindle, Hazelhurst, Evans, Roper, Taylor, and Tuin. Also later Rainguet, Moore, Prall, Brinkman, and Kovalik.

Agenda Topic 1. Glacier Ice Arena

Robbie and Alan Koos, owners of the Glacier Ice Arena, announced they are working with an investment group and hope to have the rink back up and running by November. They asked Council to consider deferring Development Improvements Agreement requirements of parking and landscaping and to direct Staff to work with them on programming.

Council President Susuras said they would take their requests under consideration.

Agenda Topic 2. Mesa Land Trust (MLT)

MLT Director Rob Bleiberg and Libby Collins were present. Mr. Bleiberg explained the proposal to purchase two properties on either end of the Three Sisters property. Both properties (Meens and Files) have land on both sides of Monument Road and are being called the “bookends”. One property is under contract and one is close to being under contract. MLT is asking the City to contribute funds in order to leverage a Great Outdoors Colorado (GOCO) Grant and private contributions for the purchase price. Once purchased, the lands will be dedicated to the City with conservation easements.

Mr. Bleiberg lauded the benefits of the acquisition in order to augment the popular Three Sisters area. He intends to minimize the cost to the City. These properties will allow access to several trails on Bureau of Land Management (BLM) land. Mr. Bleiberg said he has submitted a grant in order to hire trails crew.

He addressed how he will reach out to the neighbors to ensure any concerns are addressed. He assured the City Council that MLT will not pay more than the appraised value and the property owners understand that condition. He has had appraisals on both properties.

Other concerns were raised as far as floodplain issues, protecting paleontology resources, the County’s participation (they are contributing to the purchase of development rights (PDR) effort), where the private contributions will come from, hard numbers on the economic

impact, limitations placed on the property by virtue of the conservation easement, and the impact to the local residents.

In conclusion, MLT was asking the City Council contribute \$150,000 toward the purchases in 2014.

The City Council discussed various options as far as funding. Councilmembers Boeschstein, Norris, Doody, and Council President Susuras expressed support subject to funding being available.

Agenda Topic 3. Budget

City Manager Rich Englehart introduced the discussion and how it is his intent to work together with the City Council to develop the budget. Staff has drafted the beginning numbers for operations, operating capital, and labor. There is still a \$2.5 million shortfall. The City Council sets fees and will be asked to provide direction on fees for 2014.

City Manager Englehart reviewed the capital spending from 2009 to 2013 noting that the City spent \$99.1 million over five years – with \$48 million in buildings and facilities, \$36 million in street, bridges, and lighting, and \$4.8 million in parks and land. The number of good years the City had for revenue allowed a buildup of the fund balance so that spending in capital could take place. Also included in the capital spending were \$40 million in Certificate of Participation (COP) proceeds.

City Manager Englehart explained the enterprise funds which include water, sewer and trash, and that they operate based on collection of fees (a business model). He then listed the internal service funds which operate as a business model with internal customers.

Regarding the proposed labor budget, City Manager Englehart said there are no additional full-time employees being requested and there is a request to implement the second half of the market adjustment on salaries. The other increase under labor is due to health care costs increase.

One area to look for adjustments is the Council's Economic Development Fund which includes a variety of community investments and the City's dues/participation to various organizations.

In summary, the City is looking at some one time revenues as resources for 2014 including accumulated funds from prior years and significant grants. Regarding General Fund revenues, they are looking at flat sales tax revenues, reduced property tax revenue, COPS grants expiring, and severance and mineral leasing fees increasing.

Internal Service Funds Discussion

City Manager Englehart then deferred to Internal Services Manager Jay Valentine to address **the Fleet Internal Services Fund**.

Internal Services Manager Valentine provided details of the Fleet Fund: the City has 644 pieces of rolling stock; all existing vehicles and equipment are accrued for by their corresponding department into the Fleet fund for eventual replacement. The City buys gas and diesel from LOCO but has its own compressed natural gas (CNG) fueling station. Fleet once had a large fund balance but in the down years the decision was made to reduce that fund balance to \$1.5 million. Purchases and replacements were down during the downturn so the City is trying to catch up with replacements. They continue to look at CNG options and recommend their purchase when the finances make sense. The City also looks for grant funding to help pay for CNG vehicles. In the Police vehicles, the technology ages at a different rate than the vehicle so the replacement for the technology is accrued in the Information Technology internal services fund on a different schedule.

Information Technology Director Jim Finlayson then addressed the **Information Technology (IT) Internal Services Fund**. He explained the areas where the IT Division charges other City funds: accruals for computer hardware replacement, direct charges for maintenance on specific software applications, and telephone charges based on cost and equipment replacement to name three. Hardware purchases include the purchase of a warranty for the life of the product, usually four years. As with Fleet, in the downtime the decision was made to reduce the fund balance, maintaining a \$1 million fund balance to cover major failure not covered by the City's insurance or warranties.

IT Director Finlayson identified areas of priority including monitoring internet traffic, maintaining firewalls and auditing security, maintaining compliance with policies regarding the City systems, and information within the system. Councilmember Norris requested a list of some of the areas of concern so that they can be prioritized.

Councilmember Traylor Smith asked how employees are made aware and protected from phishing schemes. IT Director Finlayson said the City has a spam filter that catches much of that type of activity but employee are also reminded quarterly as well as alerted when something new comes out.

Councilmember Boeschstein noted that the GIS system is not compatible with the iPads. IT Director Finlayson said his GIS division is working on solving that problem.

The **Communication Center Internal Services Fund** was addressed by Deputy Police Chief Mike Nordine. He provided the details: the Regional Communication Center has 24 paying entities it serves for both 9-1-1 and dispatch. The funding is from two sources: a cost share from the entities served based on usage and the 9-1-1 Authority Board surcharge that is on telephone services. The 9-1-1 fee is primarily directed toward capital expenditures. This year the City's internal expenses are also being paid out of this account.

The 9-1-1 Center is overseen by two boards – the Communication Center Board and the 9-1-1 Authority Board.

The Communication Center fund balance is being reduced in 2013 with an anticipated ending balance of \$100,000. The fund is facing decreased revenues primarily due to the use of cell phones and the decrease in the number of land based telephone lines. There is talk of legislation

to add the surcharge to mobile devices. They are also looking at a change to 9-1-1 due to the change in technology where contact with a 9-1-1 center may be in the form of text, video messages, and pictures. That will be a challenge in the future as the Center currently is not set up to handle those methods of contact.

Councilmember Chazen inquired as the reason for the reduction in fund balance. Deputy Chief Nordine explained that it was a planned reduction in order to fund the building of radio towers and the new CAD system. Police Financial Analyst Kimberly Swindle clarified that nearly \$5 million has been invested in Communication Center infrastructure in the last five years.

City Manager Englehart explained how all the user agencies are engaged in the decision-making process when it comes to fees and charges and how they are determined for each agency. Ms. Swindle identified the percentage allocation for the major agencies: 57% City of Grand Junction, 29% Mesa County Sheriff's Office, 6% City of Fruita, and 2.5% Town of Palisade. The collaborative partnership structure at the Communication Center provides service for the smaller agencies that could not afford it on their own and is a model across the State. The State Patrol has its own statewide system and will likely remain separate.

Deputy Chief Nordine also mentioned the redundancy agreement set up with Garfield County in the case of failure and the plan to be able to provide communications with Utah agencies.

City Manager Englehart noted that each user agency will see an increase in the 2014 budget. Ms. Swindle noted that the Communication Center budget is 94% labor costs, 5% technology costs and 1% operational. Therefore, the need for a high fund balance in the Communication Center budget was not necessary. The 9-1-1 fund will continue to carry a fund balance. In the case of an ongoing disaster where additional staffing would be needed, funding would be solicited from the other user agencies as well as other agencies around the State, much like the City providing additional resources to the Front Range during the recent flooding event. Other support might be from insurance claims through the City's insurance company (CIRSA).

Regarding backup besides the redundancy agreement with Garfield County, the City also has a mobile communication center. The City Manager added that not only is the Communication Center built to a standard of "bomb-proof," there is also a backup generator for power supply.

Risk Manager Dave Roper explained the different types included in **the Self Insurance Funds**: Worker's Compensation, Property and Liability, Employee Health, and Unemployment Compensation. Maintaining fund balances in the insurance funds is very important and the goal is to have a fund balance equal to all the outstanding liabilities. There is no requirement to have a certain amount in reserve for Worker's Compensation but the City is required to have a bond in place.

Councilmember Chazen asked who determines the amount of reserve funds needed for each of the programs. Risk Manager Roper responded that is determined in house. An actuarial report may be ordered periodically but the in house projections are very conservative. Excess coverage covers the City above the cap and that is provided by National through Home Loan. The City may see an increase in premiums due to the flooding events in Eastern Colorado and the impact that will have on the City's insurer CIRSA.

Risk Manager Roper noted the target fund balance for the end of 2014 is \$2.7 million. That will mean a drawdown of one-half million dollars on purpose. It is not due to an increase in the expected losses. City Attorney Shaver advised that the City only pays on real liability or in extenuating circumstances where the defense would far exceed the cost. Neither the City nor does CIRSA settle nuisance cases.

Councilmember Chazen asked about unemployment claims in regards to seasonal and part-time employees. Human Resources Director Claudia Hazelhurst advised that the seasonal employees usually have a very short window of a break (six weeks). The bigger exposure is with the full-time employees. Unemployment cases are difficult to win.

Councilmember Boeschstein inquired about bicycle and pedestrian trails, including on canal banks, if they present special liability issues. Risk Manager Roper said no, none for skate parks either. City Attorney Shaver noted that is in part due to the City's trail maintenance. City Manager Englehart advised that funding is in the budget for sidewalk maintenance where those funds were cut in years past.

Councilmember Chazen inquired what the incremental increase for employee health insurance will be. Risk Manager Roper said the excesses in health insurance are not allocated to different departments as the anticipated loss is zero. The City has a wellness program which is part of the strategy of keeping costs down.

Councilmember Traylor Smith asked about any impacts from the Affordable Care Act. Risk Manager Roper advised that the net impact is about 3.8%. Information on the Affordable Care Act is obtained from a variety of consulting firms that have published free information as well as a number of local resources.

General Fund Fees and Rates

Fire Chief Ken Watkins addressed the revenues brought in by the Fire Department which amounts to about \$4.5 million annually, the bulk of which is the ambulance transport fees which are set by Mesa County. In Mesa County fees are bundled. Annually, the EMS coordinator assesses the fees and determines the annual amount. Chief Watkins advised that those fees are released by Mesa County in February/March each year and about two years ago, the City Council adopted a resolution that pegged the City's rate to the County's rate without it coming back each year to City Council. City Attorney Shaver added that method is also preferred due to the Medicare allowable rate and not wanting the City to be out of line with those rates. Any other fees such as anything over the advanced life support or basic transport fee, such as the mileage fee and the standby fees, are brought to City Council for approval.

Chief Watkins then addressed the amounts written off either as bad debts or amounts outside the Medicaid and Medicare allowances. Finance Supervisor Sonya Evans advised the amount was \$4 million with the contractual allowance.

Chief Watkins advised that in 2014, the Department will be evaluating other options to improve efficiencies with what vehicles respond to what type of incidents.

Councilmember Chazen inquired if the fees charged for the services covers the cost of the service. Chief Watkins said there are a lot of elements other than what they are charging for so in a nutshell no, the fees do not cover the services provided. Councilmember Chazen asked if it were true that even if fees were raised, they would still be paid the same. Chief Watkins said it would be difficult to raise fees as those are set by the County. However, they could look at other charges for other services and they may get additional revenues from that. He noted it is rare for this type of service to break even. Even a private company would need a subsidy.

The process and rationale that led eventually to the service being provided by the Fire Department was explained by Councilmember Doody and Chief Watkins. Also with the Affordable Care Act implementation, the Department will be evaluating providing treatment in the patient's home and getting reimbursed for that treatment. City Manager Englehart asked for some sense from the City Council if the City should be looking at some of the other fees that can be charged and can be reimbursed since charging some of these fees could be very public and could be politically challenging. Some of the fees that could be charged include an extrication fee or rescue fee, a hazardous materials fee on a car accident, a charge to extinguish vehicle fires, and a structure fire fee (a fire department response fee). Some citizens might argue that these are the types of services that can expect their tax dollars to cover.

Councilmember Doody said he and Councilmember Norris have been working on a fire response committee and he would like to see some examples of locales that have a Fire Authority. Councilmember Norris said that if these fees are being charged by other departments and it is a common practice, then they should look at them. Chief Watkins said they did engage the services of a billing company to look at all the different things they could have charged in the past year, just as an example, and the company estimated the Department could have collected another \$200,000 (net). Chief Watkins felt that number was on the high side. There are other fees that could be charged such as for a paramedic evaluation (when EMS responds but the patient is not transported). Another instance could be a cardiac arrest call when the patient is already deceased. He suggested that he come back to the City Council after some research with the various fees that could be charged. The other side is that they do not want people not to call for help because of the fee.

Parks and Recreation Director Rob Schoeber addressed the recreation fees proposed. He distributed a worksheet of all the fees and then provided a quick overview. Recreation program fees are set as a break even proposition. Overall, recreation covers about 62% of operating costs. The aquatics program does not break even. The adult athletic programs do make a profit. The other categories within recreation are the general programs and special events. The general programs come close to breaking even, however the special events are very volatile based on weather and attendance.

Mr. Schoeber then addressed the Parks Division. Parks comprise the biggest part and costliest part of the Department, yet it brings in the least revenue. The fees charged for parks use is very limited. Under cemeteries, there are fees charged. Under forestry and horticulture there is limited revenue stream. Charges for parks are field usage (contracts with organizations that use the fields), shelter rentals, the programming contract with the County for Long's Park, and stadium rental including the barn (regular users have contracts).

The third division is golf. Revenues include the sale of passes, green fees, cart fees, and tournament fees. City Manager Englehart said that they would like to have approval on the golf fees early so that they can begin to market the sale of annual passes. He noted that golf as an industry is struggling and the City's golf division is an enterprise fund. Mr. Schoeber said he will be addressing that in more detail under the enterprise funds discussion.

Mr. Schoeber said in general, the proposed fee increases are pretty minimal with some being to comply with the new software that requires a unit charge instead of by event.

Councilmember Chazen asked what the overall increase in revenue would be with the increases. Mr. Schoeber said he could calculate an estimate and get that to the City Council.

Councilmember Norris inquired about the City's day care programs, where are those fees as proposed? Mr. Schoeber said as part of the recreation programs, those fees are not proposed for an increase. The issue that has been raised is the charge for the STARS program being less than the private daycare operators. It was suggested that be discussed at a separate workshop.

Raising golf fees usually can be an issue. Golf fees were not raised in 2013. An increase of 4% is proposed for the annual golf pass.

Finance Director Jodi Romero explained that Staff would like to get the preliminary approval on the rates proposed so that those revenues can be included in the budget development. The actual approval will not come forward until first reading of the budget adoption ordinance.

City Manager Englehart noted that the enterprise fund discussion and discussion of the STARS program will be scheduled for another session likely October 14th. At that time Parks and Recreation Director Schoeber can provide the analytics on the golf pass increase.

City Attorney John Shaver provided an overview of the Municipal Court budget. It is \$600,000 and the revenues are comprised mostly of fines due to citations written by the Police Department. The Charter caps fines at \$1,000. The Judge develops a fine schedule. Staff is not recommending any fine increases. Fines are down due to the shortages in the Police Department.

Councilmember Norris asked about Code Enforcement. City Attorney Shaver said that Code Enforcement is back up and is now under the purview of the Police Department. Deputy Chief Nordine advised that Code Enforcement does operate primarily on a complaint basis but they are starting to be more proactive in the problem areas.

City Attorney Shaver advised that the legislature has authorized an increase in the maximum fine up to \$2,650 however the City's maximum of \$1,000 is set by Charter so more research is needed to determine if that change would require a vote or if the authority to make the change was granted was in the legislation.

Councilmember Traylor Smith asked if there is a way to analyze the cost versus revenue. City Attorney Shaver responded that they could but apportioning the time of the Staff involved would

be the difficulty. A portion of the fines from animal control cases does pay the annual contract with Mesa County Animal Services.

Financial Operations Director Romero stated that the revenues do not cover the overall cost of enforcement but that is also not the intent.

Financial Operations Director Romero brought up the Rural Fire District Contract explaining the structure and how it is basically a pass-through of the District's mill levy to the City, less the District's administrative costs and their required TABOR reserve. There is no change to that agreement being proposed.

City Manager Englehart suggested that the continuation of this session be the following Monday (October 7th) and they find another time to hold the retreat.

Balancing

City Manager Englehart then asked Financial Operations Director Romero to review the balancing sheet.

Financial Operations Director Romero advised that she is projecting ending the year at a little over \$20 million in reserves. After deducting the minimum reserve balance of \$18.5 and the reserve for the 1% For the Arts Program about \$1.4 million is left to be allocated in 2014. From there, Ms. Romero began to review the general and capital funds balancing sheet which includes the 2014, 2015, and 2016 projected. Property tax is down and the revenues from the Rural Fire District contract will also be down due to decreased property tax. She provided some examples of the funding sources under grants and other fund resources. Next an overview of the expenses was provided.

Councilmember Chazen had questions on the operating margin and the amount of general fund revenue that would be available for capital expenditures. He also inquired as to the amount remaining in the capital fund (201). Ms. Romero explained that all monies in the capital fund are allocated to specific projects and there hasn't been any excess in that fund for a number of years. It was pointed out that the sheet shows about a \$2.5 million shortfall not counting the Avalon Theatre Project contingency (if the City had to cover both the Avalon Theatre Foundation's commitment and received no DOLA funding) which would be another \$1,021,531.

Councilmember Chazen said he would like to see the detail for the internal services charges. Ms. Romero agreed to bring that back noting that internal services charges include Information Technology (IT) charges, Fleet charges, Communication Center charges, and insurance charges.

Ms. Romero explained the rest of the line items including operations capital, transfers, City Manager contingency, and building contingency followed by the debt payments, the TABOR transfer, major capital, and economic development.

Councilmember Chazen inquired about staffing in 2014. City Manager Englehart stated that there will be no requests for new full time positions and the plan is to maintain the same level of service.

City Manager Englehart then reviewed options for balancing the budget and indicated that he will work with the City Council to determine how that will be accomplished after the City Council has a chance to review the worksheets.

The next budget worksheet meeting will be October 7 in the Auditorium and will pick up with Capital Review, Economic Development Review, and Enterprise Funds Discussion.

Agenda Topic 4. Other

There was no other business for this meeting.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP**

**MONDAY, SEPTEMBER 30, 2013, 8:30 A.M.
CITY AUDITORIUM
250 N. 5TH STREET**

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

- 1. Glacier Ice Arena**
- 2. Mesa Land Trust:** Mesa Land Trust seeks financial support from Grand Junction to purchase two important properties along Monument Road for inclusion in the City's park system along Monument Road. As the Meens property (13 acres next to Three Sisters) and the Files property (50 acres next to the Lunch Loop parking lot) adjoin City-owned land to the east and west, they are referring to this effort as the Bookends Acquisition.
- 3. Budget**
- 4. Other Business**

October 28, 2013

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

October 28, 2013 – Noticed Agenda Attached

Meeting Convened: 9:45 a.m. in the City Auditorium

Meeting Adjourned: 3:09 p.m.

Councilmembers present: All. Staff present: Englehart, Shaver, Moore, Schoeber, Watkins, Romero, Starr, Franklin, Tonello, Trainor, Brinkman, Camper, Valentine, Hazelhurst, Kovalik, Bowman, Taylor, Rainguet, and Kemp.

Agenda Topic 1. Avalon Theatre Naming Rights

This item was moved to follow Agenda Topic 2.

Agenda Topic 2. Addition of City Property to the Downtown Development Authority (DDA) District

City Manager Rich Englehart introduced this item and stated that it was a follow up to a discussion at an earlier Workshop. Harry Weiss, DDA Executive Director, advised that this matter came up because of the replatting of multiple properties to a single parcel of property for the Public Safety Complex. Two of the eight parcels were already in the DDA and the Assessor's office said that all of the property needs to be either in or out of the DDA. When looking at other properties in the immediate area, the parking lot on the east side of 7th Street, across from the Public Safety Complex, was out of the DDA boundary and would be a good property to include in the DDA to help create the connection of the core of downtown and the south downtown where the district extends all the way to Las Colonias, 7th Street being the main corridor. The effects are minimal for the City because they are all tax exempt properties so the inclusion will have no effect on the mill levy or the increment. It only leverages the DDA because if the properties are in the district, it will allow DDA funds to be spent for those properties.

Councilmember Chazen asked if the City pays a payment in lieu of taxes (PILT) to the DDA for City owned properties. Mr. Weiss said that the City pays a PILT to the Business Improvement District, but not to the DDA.

Mr. Weiss said that when they looked at other properties, they also looked at properties around Las Colonias, Whitman, and Emerson Parks, but there didn't seem to be any interest in bringing in the Emerson Park area at this time. He stated that the DDA Board is interested in working around the edges of Las Colonias Park to get private development and activity around the Park as well as helping the City with the interior improvements of the Park. Other properties being requested to be included in the DDA boundary are City owned properties located by Edgewater Brewery and the Botanical Gardens.

Councilmember Traylor Smith asked about a large parcel next to parcels which are being requested to be included in the DDA boundary. Mr. Weiss said that parcel is privately owned land and can only be brought into the district by voluntary petition. He said that Edgewater Brewery is thinking about petitioning for their property to be in the district. He also said that Doug Simons and Bill Hilliard will be requesting their small parcel be included in the district on the corner of 7th and Main Street which half of the property is in the boundary and the other half is not, but that will be brought in as a separate item.

City Manager Englehart provided a larger scale overview which helped to define the area better.

Councilmember Doody asked Mr. Weiss how much money the DDA has invested in the City of Grand Junction over the years. Mr. Weiss said about \$18 million over the last decade for big public projects, but he was not sure how much during the existence of DDA.

Councilmember Norris asked if that was tax money that the City would have received otherwise. Mr. Weiss said that it is the TIF which he explained is reallocation of other taxing agencies mill levies. DDA gets a percentage of everyone else's tax levy, the City, the County, the Library, Special Districts, i.e. whoever has a mill levy on downtown property.

City Council was all in favor of moving forward with presenting an Ordinance to Council for including the properties proposed into the DDA.

Agenda Topic 1. Avalon Theatre Naming Rights

City Manager Englehart introduced this item and stated that Colorado Mesa University (CMU) was generous to share a report from a study that they had conducted for purposes of exploring naming rights at the University, St. Mary's Hospital, and a few others.

Debbie Kovalik, Economic, Convention, and Visitors Services Director, thanked CMU for sharing their study that they did in 2013 called "What's in a Name" with the Avalon Theatre Naming Rights Committee. It incorporated the studies from Community Hospital, St. Mary's Hospital, Hope West, Western Colorado Community Foundation, and Community Hospital Foundation. They looked at other studies from outside the community as well.

Ms. Kovalik said that the Committee recommends that the "Avalon" or "The Avalon" be included in the building in perpetuity. The Committee's goal would be to call it "The Avalon Performing Arts Complex"; it would then have the strongest marketing value. It would be up to the City if they would like to do a Request for Proposals (RFP) or not. The historical part of the building (the theatre) could be called something like "The Smith Family at the Avalon Theatre". They would like to call the multi-purpose room something other than the multi-purpose room, like "The Hall". It would function as a cinema, a rehearsal room, and a small performing hall. It will only seat up to 100 people. The rooftop terrace would be another opportunity for naming rights. In CMU's study, the average amount of giving was \$200,000. Specific name plaques of givers will not be placed on the building or on the seats. There will be a donor wall. They are looking for someone to sponsor the hearing loop for the hearing impaired. She explained how the hearing loop works. They will look for grant money to help

pay for the hearing loop. Values for donations are established for persons wanting their name as donors. For 10 years, the amount will be a lower amount than what the donation would be required for 25 years. None of the naming rights would be in perpetuity. The study found that communities have done the naming rights for 10 to 25 years only.

The name plates on the existing seats have been removed from the seats and will be placed on a plaque and put in the Avalon somewhere. Name plates will not be put on the new seats. The bricks in the front walkway of the building will remain in place, but none will be added.

Councilmember Norris asked what the average or the top donations are for the Avalon. Robin Brown, with the Avalon Theatre Foundation, said that the average donations are between \$10,000 and \$25,000 and highest donation was \$250,000. Ms. Kovalik said that, with the naming rights, there should be more donations.

Councilmember Traylor Smith suggested using technology for recognizing donors and advertising purposes. Ms. Kovalik described some ways where they will be using technology for advertising purposes including TV monitors that will display the show in the lobby areas and also would advertise future shows. They could also recognize sponsors using that technology.

Councilmember McArthur asked when the Avalon name was established. Ms. Kovalik said it was established in 1922. Councilmember McArthur asked about where the fundraising is at and expressed concern about the provisions with paying off the contractor, FCI. City Manager Englehart said he understands and they will look at applying for a Division of Local Affairs (DOLA) grant and possibly Community Development Block Grant (CDBG) monies to help with that.

The City Council was polled and they are in favor of moving forward with the naming rights recommendations. City Attorney Shaver said he will prepare a resolution for formal adoption at the next City Council Meeting.

Agenda Topic 3. Budget Workshop

City Manager Englehart went through an agenda for the Budget Workshop and advised that they will start out with the Enterprise Funds.

Greg Trainor, Public Works and Utilities (PW and U) Director, advised that the water system is very old and the budget is mostly operations and maintenance with very little growth related capital. Solid Waste service is provided for residential and some commercial customers. The Irrigation Fund was acquired in 1992 when the City took over the Ridges Metropolitan District. Most of the operating expenses for these funds are relatively flat. Capital Improvements are up because of replacing aging components, especially in the Water Fund. The sewer system (Persigo Wastewater Treatment Plant) had no rate changes in 2010, 2011, or 2012. There was a rate change in 2013 and another rate change has been proposed for 2014.

Solid Waste

Darren Starr, Manager, Streets, Storm Water, and Solid Waste, said that the Compressed Natural Gas (CNG) Fuel is saving the City money in the Solid Waste Fund. Capital projects include ten more fill stations that are needed for the CNG vehicles and a new roof is needed on the recycling building. The fully automated trash collection helped to reduce staffing levels. Recycling is a great incentive for customers. Rate increases in sanitation over the last 18 years has happened only seven times. Sanitation is seeing growth. He provided documentation to show that the City's rates are very competitive with the private sector. The City is the rate setter. The proposed rate increase would be 13 cents per collection for customers.

Councilmember Doody commented on the popularity of the Spring Clean-up Program. Mr. Starr said that it is very popular with customers as well as the Leaf Pick-up Program.

Councilmember Chazen inquired about the total debt that was shown in the handout. Terry Franklin, Utility and Streets Manager, explained that is the energy service savings program with Johnson Controls. It needed to be in an Enterprise Fund and that is where it was placed. Jay Valentine, Internal Services Manager, explained the energy service savings program in a bit more detail. Councilmember Traylor Smith asked when that debt will go away. Mr. Franklin said he believes it is eleven more years.

Councilmember Chazen asked if the Spring Clean-up and Leaf Pick-up programs are budgeted. Mr. Starr said that they are budgeted in the General Fund under the Storm Water and Streets. Councilmember Chazen asked Mr. Valentine if provisions for rate of return are put into the budget for capital costs for purchasing new equipment for CNG. Mr. Valentine said yes, they do calculate extra into the amount for fuel.

Councilmember Boeschstein said he appreciates the use of CNG and asked if the growth is because of annexations. Mr. Starr said there are new houses being built and used the Orchard Mesa area as an example. He said that they are also acquiring new customers in the area that used private service providers because of the new houses using the City's services.

Charging for curbside recycling was discussed. Mr. Starr explained that the cost for the recycling is incorporated in with the garbage rate because it is not cheap to recycle.

All Councilmembers were in favor of the proposed solid waste utility rate changes.

Water Services

PW and U Director Greg Trainor said that the water services are interconnected with all four providers, Ute Water Conservancy District, Clifton, Palisade, and the City.

Rick Brinkman, Water Services Manager, said that the capital improvements necessary for the water services are to ensure integrity of the system. It is a ten year capital plan. Old water pipes are being replaced with pvc. There is only thirty-one miles of pipe to replace.

Council President Susuras asked why the City's rates are lower than Ute Water or Clifton Water. Mr. Brinkman said that those entities were using their Plant Investment monies to run

their systems and when the growth stopped, they had to start using operating money. They don't have investment coming in for expansion.

There was discussion about the impacts for the City if Clifton Water were to ask the City to take over their system.

Councilmember Chazen asked if there is money in the budget to look at fully automated controls. Mr. Brinkman explained that the system currently runs semi-automated every evening. There are only four plant operators, which is a low number for a plant that size.

Other questions and answers took place including the process for Ruedi Reservoir's water getting into the valley, fire flow deficiencies, testing the hydrants, the service to the Kannah Creek residents, gas and oil drilling concerns, and system flushing.

Councilmember McArthur asked if the debt service was from issued bonds. Mr. Brinkman said yes, borrowed from the State to replace pipe during the sewer elimination program.

Mr. Brinkman said that the proposed water rate increase would be an additional \$3.60 base rate for the average residential customer.

City Council was in favor of the proposed water rate increase.

Ridges Irrigation

Mr. Brinkman said the Ridges Irrigation Fund is very small. Electrical costs to run the pumps have gone up. The proposed rate increase is \$0.73 for single family units and \$0.60 for multi-family units.

City Council was in favor of the proposed Ridges irrigation rate increase.

Golf

Rob Schoeber, Parks and Recreation Director, summarized the golf course and rate comparisons. Tournaments are a great revenue source. The golf industry has declined because of the economy. He provided percentages, statistics on decreased numbers, and numbers of closed days due to the weather. The proposed increase for golf is 4% in season passes and \$1 per round for the green fee. The 1999 debt for a new driving range for Tiara Rado is close to being paid down; one more \$46,000 payment is due. The 2010 debt for the major renovation of the back nine and the new irrigation system has an annual payment of \$215,000 which is hard to meet because there are not sufficient operating revenues. There will be about a \$170,000 shortfall in 2013. Over the course of the year, they have tried to reduce the operating costs to help with the reduction of the revenues. The balance of the debt is \$3.4 million. Mr. Schoeber would like to restructure the debt payment from 15 years to 20 years to lower the annual payment. Conservation Trust Fund monies helps to make the debt payment.

Councilmember McArthur asked Mr. Schoeber if the City has ever looked at leasing out Tiara Rado Golf Course. Mr. Schoeber said that has been looked at, but it appears that the private sector nationwide is handing over the golf courses to the municipalities.

There is a portion of land at the golf course that has not been developed and perhaps could be sold to bring in some revenues to be applied towards the debt.

Councilmember Chazen asked about just paying interest on the loan for 2013 and not principal. Jodi Romero, Financial Operations Director, said that would not impact revenues in the General Fund. John Shaver, City Attorney, pointed out that it would be illegal to write anything off from the General Fund. Council President Susuras asked if it is legal to pay the interest only and extend the loan out for the principal amount. City Attorney Shaver said it is legal to extend or refinance the loan anyway Council chooses to.

Councilmember Chazen asked about additional fleet for the golf course. Mr. Valentine said that each golf course had a bobcat and the Parks Department General Fund had it in the budget to buy a new bobcat, however, the bobcat for Tiara Rado was given to the Parks Department which reduced the fleet charges for Tiara Rado.

Councilmember Chazen asked City Attorney Shaver if 10% of the payment can be written off. City Attorney Shaver said only if there were no other revenues coming in, however, because of the Conservation Trust Fund monies, forgiveness could not be allowed.

Ms. Romero stated that because the revenues are unknown for the remaining of 2013, Council may want to look at allowing an interest only payment plus whatever revenues would be available to pay towards principal for the 2013 payment.

City Council was in favor 5 to 1 (Jim Doody was not in favor and Barbara Traylor Smith had left the meeting for a couple of hours) to allow an interest only payment plus whatever principal could be paid for 2013. City Council was in favor unanimously for the proposed rate increase.

Two Rivers Convention Center Fees (TRCC)

Debbie Kovalik, Economic, Convention, and Visitor Services Director, said that last year's rates were increased per person for weekly or monthly users and negotiated with the users that increase would be good through 2014. No proposed changes are being requested for 2014. They are requesting a 10% increase in room rentals which includes the entire building and lobby.

Councilmember Norris asked if the fees charged for the Convention Center are competitive with other places that rent rooms. Ms. Kovalik said they are competitive, however a little bit to the high side of that range. TRCC has the ability to customize to a customer's need, whether they need a full room or a room and one-half.

Ms. Kovalik said they are also requesting a 10% increase for equipment and staging (the things that they rent that are owned by the Convention Center).

Council President Susuras asked how the Convention Center compares with Colorado Mesa University (CMU). Ms. Kovalik said that TRCC is a little bit more. CMU has more flexibility when it comes to the cost per person because CMU has student staffing that is supplemented by scholarship funds. CMU occasionally waives rent where TRCC does not. Council President Susuras asked if any of the initial loss of business to CMU has come back. Ms. Kovalik said that

it has because business tends to flow where it fits best. For an organization that already has a signed contract for 2014, there won't be any changes to increase the fees.

Councilmember McArthur asked if the fees are charged by the person and additionally for the cost of lunch. Ms. Kovalik stated that each group's business is negotiated differently. Councilmember McArthur asked about the room rental fee range being between \$89 to \$3,274. Ms. Kovalik stated that \$89 is the smallest room and \$3,274 is the large ballroom. Stuart Taylor, Manager of Two Rivers and the Avalon, explained a bit more about the room rental fees.

All of City Council was in favor of the proposed TRCC fees increase.

Visitor and Convention Bureau (VCB)

Ms. Kovalik stated that 2013 has been a tough year. All other areas in Colorado are doing better from a travel and tourism perspective than Mesa County. The VCB Board met with the City Council and discussed programming opportunities and technology that are critical for Mesa County to remain competitive with the rest of the world. There is a huge international market with more opportunity for future growth.

Barb Bowman, VCB Manager, described software programs for on-line booking and smart content that is being requested for 2014. Smart content is a wonderful web search tool to market Grand Junction. The on-line booking would be extremely important to remain competitive. It would allow people to review rates and availability for hotels in Grand Junction.

Council President Susuras asked what are the costs of the programs? Ms. Bowman said they are requesting an additional \$45,000 in the budget for these.

Ms. Kovalik said that they are confident that revenue will be up in 2014 because there are already a number of solid events booked for 2014. The National Marketplace suggests that the hotel rates and fees will go up 8% in 2014, and occupancy is projected to go up 4 to 5%. Ms. Kovalik stated that VCB is proposing a budget with a 3% increase in revenues for 2014. She said that they have also prepared an alternative budget with higher revenues but are more confident with the 3% increase. She said that early in 2014, they will need to be aggressive and get more business.

Councilmember Chazen feels that, for systemic reasons, there should be an anticipated increase in revenues of at least 6%. Ms. Kovalik said that they are very confident in the 3% but not really willing to take the risk for 6%.

Ms. Bowman named a few new groups that will be coming to Grand Junction in 2014. She said that they are calling 2014 the year of recovery.

Councilmember Doody suggested that perhaps a business model be put together in 2014 to see what the VCB would look like if ran with a Board of Directors. Ms. Kovalik said that other VCB's do have their own 501(c)(3) entity and operate independently. She suggested maybe looking at other models of VCB's and see how they were set up.

Councilmember McArthur asked if the Federal Government shutdown had an impact on the VCB. Ms. Bowman said yes, but not as much as others.

Councilmember Boeschstein asked if it will help the VCB if they make the Colorado National Monument a National Park. Ms. Kovalik said absolutely. Ms. Bowman provided an update and said it would definitely bring people in. Councilmember Boeschstein mentioned that a downtown visitor center could be beneficial. Ms. Kovalik said that one thing that is in the proposed capital budget is a portable, mobile counter that would be used at the Convention Center and have it function as a visitor's information center in the downtown.

Council President Susuras asked what the increase percentage is in the budget that VCB is requesting. Ms. Kovalik said 6% over 2013. Ms. Romero explained that is over the 2013 amended budget. The most that would probably be seen is a 6% increase from the actual totals of 2013.

Council President Susuras asked what is the total dollar amount for revenue increase being requested? Ms. Bowman said \$72,000. Council President Susuras asked Council if they were in favor of the \$72,000 increase for 2014. All of Council was in favor except Councilmember McArthur. Councilmember Traylor Smith recused herself because she was not present for the entire presentation.

Councilmember Chazen suggested an incentive plan for VCB for increased revenues.

Recap of Budget to Date

City Manager Englehart recapped the 2013 amended and 2014 budgets. The personnel portion of the 2013 budget was \$41.1 million versus the 2014 budget proposed of \$42.0 million (which contains the remainder of the market implementation and the health insurance increase). There were 13 positions approved in 2013, some funded by revenues and some not. Two of the 13 positions were not filled and completely eliminated. One position in the Fire Department is being assessed whether or not it needs to be filled. Two positions have been eliminated in 2013. For the 2014 personnel budget, the Public Works and Utilities Director position will need to be filled, a project engineer for the RAMP project, which may be eliminated, funding known retirements coming up, and they will continue to look for any other way of saving in personnel. Workman's compensation and overtime are being looked at. Police are looking at a 4/10-hour schedule. For the market details, City Manager Englehart said that 224 out of 633 full time employees are at the market rate of pay and won't be getting a raise, 409 are below market and will be getting the second part of the market implementation.

Jodi Romero, Financial Operations Director, reported that October's revenues are showing an increase of about 4% from 2012, but it is not final yet. She said it is feeling more comfortable moving into 2014 and taking care of any of the revenue shortfalls for the remainder of 2013, about a \$266,000 combined impact. In order to compensate for that, the following reductions have been identified: \$85,000 savings on some parks projects, Public Works has the potential of saving \$200,000 in their operating budget depending how the weather is during the year, the City Manager contingency is about \$240,000 to \$250,000, which he is considering freezing until the end of the year, and the Council has contingency which is somewhere around \$330,000. The City Manager has placed an Administrative order for selective purchasing.

Internal Services Manager Jay Valentine and Fleet Manager Tim Barker are looking to see if there are any opportunities to save money within the fleet department. For capital projects, some do not have to be started until mid-year or the end of the year, so they could stay on hold if need be. It has been discussed to look at bringing back the employee cost savings program to see if employees can help to come up with ways to save money. Ms. Romero said they feel comfortable moving into 2014 with the budget as it is and having to make up for any further revenue reductions.

The majority of City Council asked that a way be found to put the other \$500,000 back into the budget for CMU because the City gave them their word that they will help them with the bond payment. City Manager Englehart said that there should not be a problem finding the \$500,000 to put back in for CMU. Ms. Romero said she will find another \$500,000 to put back in for CMU. CMU does not need that money until May 2014. Councilmember Boeschenstein pointed out the money for CMU was deferred pending mid-year financial position.

Councilmember Chazen asked how the City accounts for Property Tax revenue because the County is anticipating about 9% loss. Ms. Romero said they are projecting a 4.8% loss for the City based on their preliminary evaluation.

Councilmember Chazen said he is concerned about labor, health care, and worker's compensation. It makes up for 67% of the budget. He said in all the areas of the budget that was cut, this area was not. Ways to reduce the budget in this area were discussed including asking the City Manager to monitor Staff for productivity. Councilmember Chazen would like to see more in the contingency accounts.

Councilmember Traylor Smith asked City Manager Englehart to keep Council informed when revenues are dropping too low so they can look at other ways to cut expenses.

City Manager Englehart assured Council that they will continue to watch and dig in the budget to find the shortfall. \$2.1 million dollars shortfall was found for the 2013 budget. He and all of the Department Heads are committed to the success of the organization.

Financial Operations Director Jodi Romero asked City Council to look at the 2014 proposed capital and the 2013 amended capital worksheet and bring back any thoughts for discussion at a later date. Regarding the economic development partnership sponsorships, memberships, and dues, nothing has changed except there has been a request from Todd Hollenbeck to increase the City's half of local match to a Federal Highway Administration (FHWA) grant for the Metropolitan Planning Organization (MPO) to \$33,967 which the 521 Drainage reduction makes up for that. The Western Slope Center for the Children is requesting an increase to potentially \$30,000 if Council desires which would be around \$10,000 extra. City Council authorized the increase for MPO.

Police Chief Camper updated City Council on the Western Slope Center for the Children stating that it is the receiving body for child abuse and all sexual assaulted children investigations. They provide counseling and support for the kids and families. Other sources of funding are donations and United Way. They really operate on a shoe-string. The families and children respond very well to the program. Human Resources Director Claudia Hazelhurst said she is on

the board and the center does get funding from federal agencies, the State, Mesa County, victims assistance. They also apply for numerous grants, including United Way, and have fund-raisers throughout the year. Councilmember McArthur asked about CDBG funds. City Attorney Shaver said they have not looked at CDBG funds, but certainly could in the future.

A poll was taken to increase the funding by \$10,000 for the Western Slope Center for the Children. City Council was in favor 5 to 1. Councilmember McArthur felt it should go to CDBG and Councilmember Norris had left the meeting.

Councilmember Chazen asked if they could meet again to talk about the \$40,000 to Grand Junction Economic Partnership (GJEP) because the County was talking about cutting their support for GJEP. City Manager Englehart said that the County had not actually cut the support, it's just not going toward their operations. City Manager Englehart said that the City used to contribute \$100,000 to GJEP and it was cut to \$40,000.

Operational Budget by Department

Financial Operations Director Romero asked City Council to look at the fees and rates resolution that has been prepared because it will come before Council on November 6th. She also asked City Council to look at all of the worksheets for the enterprise funds, internal service funds, capital, debt service, and the fund balance worksheets.

City Manager Englehart said this year's budget is a \$130 million budget. He appreciated all of City Council's patience. On the November 4th, discussion could be on what the future looks like and where to go.

Councilmember Boeschstein thanked the City Manager and the Financial Operations Director for providing updates throughout the year on where the budget is and where the City stands.

Agenda Topic 4. Other Business

There was none.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP**

**MONDAY, OCTOBER 28, 2013
AT APPROXIMATELY 10:00 A.M.
IMMEDIATELY FOLLOWING THE SPECIAL MEETING AT 8:30 A.M.
CITY AUDITORIUM
250 N. 5TH STREET**

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

- 1. Avalon Theatre Naming Rights:** This item is a review of and request for approval for the marketing of the naming opportunities for the Avalon Theatre. The Avalon Theatre Naming Rights Committee includes Debbie Kovalik, Stuart Taylor, Bennett Boeschstein, Jay Valentine, Robin Brown, John Halvorson, Karen Hildebrandt and Kathy Hall. Establishing naming opportunities now will make it possible for campaign committee members to attempt to generate additional private contributions for the Avalon Theatre renovation project. After presenting initial recommendations to the City Council, the Committee has developed further recommendations to better define sponsorship opportunities.

Attach R-1

- 2. Addition of City Property to the DDA District:** The City and DDA Staff are recommending the annexation of a number of City-owned parcels into the DDA district.

Attach R-2

- 3. Budget Workshop**

- 4. Other Business**

December 2, 2013

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

December 2, 2013 – Noticed Agenda Attached

Meeting Convened: 3:00 p.m. in the Administration Conference Room

Meeting Adjourned: 5:50 p.m.

Council Members present: All members present except Councilmember Bennett Boeschstein. Staff present: Municipal Judge Care' McInnis, Rainguet, and Tuin.

Agenda Topic 1. Meet with Municipal Judge

The City Council met with Municipal Judge Care' McInnis. Judge McInnis explained the purpose of the meeting was for her annual evaluation and an opportunity to familiarize the Council, especially the new members, with what she does. She noted that typically the Council does not hear much about her and Municipal Court because it functions well. She noted that many times her court is a citizen's first contact with the City and she ensures everyone is treated with respect. She listed the types of cases she sees as theft, bar fights, indecent exposure, juvenile cases, traffic infractions, and Code violations. Her authority includes fines up to \$1,000 and up to one year in jail (except for juveniles). There are trials but she tries to keep those to a minimum.

Other than Municipal Court, she runs a Teen Court and Warrant Sweep Night. She explained Teen Court and Warrant Sweep Night to the City Council. Her staff includes a full time Court Administrator and a half-time clerk. The prosecutor is DeLayne Merritt from the City Attorney's Office.

Judge McInnis expressed a concern with the workload of the administrative staff and said a position of a probation officer would be beneficial. The person in that position could follow up with those convicted to ensure they are meeting their obligations under the court orders. Presently those convicted are on unsupervised probation.

Judge McInnis advised that the Court had 4,600 cases last year which was down from 7,000 the previous year. The decrease is due to the decrease in patrol officers at the Police Department. Municipal Court had 328 trials and one jury trial. She provided statistics that demonstrated the success rate of the Court.

Judge McInnis noted the legislature recently increased the amount of maximum fines for the cases that come through Municipal Court; however, the City's Charter caps the fines at \$1,000. She encouraged the City Council to pursue increasing the City's cap. She explained how the fines and fees are set by her court order.

Cases involving the homeless were discussed. Judge McInnis explained how she, along with the HOT Team, has had some successes with that population.

Councilmember Chazen advised he visited a court session and it was a model of efficiency. In conclusion, Judge McInnis did not request an increase in pay but asked for twenty more hours of paid time off (PTO) and to be allowed one additional hour for Teen Court.

Council President Susuras said the City Council will take her requests under consideration.

Councilmember Norris asked that the Judge send an email to the City Council with the Municipal and Teen Court schedules.

Judge McInnis thanked the City Council and left the meeting.

Staff present: Englehart, Shaver, Moore, Rainguet, and Tuin.

The City Council reviewed the discussion they had with the Judge with the City Attorney. Different options were discussed as well as how to handle increased work load when traffic violations increase and the jail overcrowding issue. Regarding the Judge's requests, it was suggested that the City Manager and the City Attorney meet with Human Resources Director Claudia Hazelhurst to discuss.

Agenda Topic 2: 2014 Work Plan

City Manager Englehart distributed the proposed 2014 work plan. He said that he is aware that the Grand Valley Transit Manager Todd Hollenbeck will be approaching the City Council about future funding of the bus program.

City Manager Englehart said he will make sure that all members of Council are afforded the same opportunities for tours of City facilities and things such as ride-alongs. He suggested that some of the workshop sessions can be held at other City facilities thus incorporating a workshop with a tour.

He intends to begin developing priorities for the upcoming years of 2015 and 2016. Things to be discussed are the business personal property tax and the City's economic development strategy. He asked Deputy City Manager Tim Moore to provide an overview of that strategy being developed.

Deputy City Manager Moore said his team is developing a list of industry categories to pursue and ways the "Space Maker" idea can work. Part of a business retention policy will include a tax policy discussion. The Economic Development and Sustainability group intends to have a draft plan by the first of the year.

Regarding the Industrial Development Inc. (IDI) properties, Mr. Moore is meeting with them on the three conceptual plans his group put together to have shovel-ready sites for development.

Councilmember Chazen expressed a concern about targeting specific industries as that might be too limiting. Councilmember Norris suggested a pursuit of the big retailers in order to strengthen the regional draw component of the City. Councilmember McArthur thought a focus on development of industries using local raw materials would be an option. Mr. Moore said the focus has been on natural gas, the agricultural industry, the health care industry, technology and science, and security.

Councilmember Doody suggested a future discussion on intergovernmental relations and providing the Council with background on all the various agreements. It was suggested that the City host the next City/County joint meeting and include a discussion on the contracts with the County.

Councilmember Chazen complimented the Work Plan and noted how much was on the Plan. The City Manager said the Work Plan provides the framework and the work will be spread out over the City Departments.

Agenda Topic 3. Board Reports

Councilmember Chazen said he went to Associated Governments of Northwest Colorado (AGNC) meeting where the Governor was in attendance. He said Revenue Supervisor Elizabeth Tice-Janda discovered where there is \$3.8 million in a mineral lease fund that was to be distributed to the affected jurisdictions but did not get appropriated. AGNC is urging the Governor to get it authorized to be distributed and to make the distribution automatic in the future.

Councilmember McArthur said he attended a Grand Valley Transit Board meeting and they pulled off a professional services contract but it will be brought back to the Board. He also has a 521 Drainage Authority Meeting scheduled for the following Wednesday. The storm water permit issue is still not resolved as the Bureau of Reclamation wants the City to get a permit for each discharge point. Deputy City Manager Moore advised that the Colorado Storm Water Council is challenging that requirement.

Councilmember McArthur said he went to a presentation in Denver on Senior Housing that was not what he expected but he did relate that the City of Loveland has senior housing with different levels of care. That may be something that becomes more of an issue as many middle class seniors have lost their resources with the economic downturn.

Housing was discussed briefly with suggestions on the Housing Authority subsidizing more privately owned rentals since there are more available in the market.

Council President Susuras said the Airport Board has formed a small committee to work with the investigator hired by the Airport Board. Currently, he has no more information on the investigation.

Agenda Topic 4. Other Business

City Manager Englehart and City Attorney Shaver provided the following updates:

- Sales tax came in above the prior year but use tax was down; however it was down less than projected.
- The City did not make the cut for the Great Outdoors Colorado Grant for Las Colonias so they will apply again in another cycle. Mr. Englehart said Staff will look at any shortfalls in the application.
- They met with the Director of the Department of Local Affairs Reeves Brown and he seemed excited about the Avalon Theatre project. He is familiar with the building and Staff emphasized safety concerns being mitigated in the grant application.
- Home Loan may cover the gap in funding due from the Avalon Theatre Foundation (ATF) and then will collect the donations from ATF as they come in.
- Staff is working on a new report regarding the Persigo trunk line extension policy. Mr. Englehart added that the intent of the policy amendment is to facilitate development.
- Staff received a call from a citizen asking that the Council consider exempting sales tax on vending machine sales. Councilmember Traylor Smith suggested that Council be able to look at all the State exemptions.

Council President Susuras stated there are two more items to discuss: The City Attorney's salary and the requests from Judge McInnis.

Human Resources Director Hazelhurst stayed and City Manager Englehart, City Attorney Shaver, Deputy City Manager Moore, and Communications Manager Rainguet left the meeting.

The Council discussed salary for the City Attorney. They also discussed the need for a plan from Mr. Shaver for additional staffing. The Council agreed unanimously to increase the City Attorney's salary to \$154,000.

The City Council discussed the requests from Judge McInnis. The Council unanimously agreed to grant the Judge an additional twenty hours paid time off (PTO). Human Resources Director Hazelhurst clarified that there will be no PTO carryover. The City Council unanimously agreed to allow the additional hour for Teen Court as requested by the Judge.

The City Council then called the City Attorney into the meeting and advised him of the new salary proposed and thanked him for all of his good work. Mr. Shaver was also reminded to evaluate his Department's workload.

That concluded the meeting.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP**

**MONDAY, DECEMBER 2, 2013, 3:00 P.M.
ADMINISTRATION CONFERENCE ROOM
2ND FLOOR, CITY HALL
250 N. 5TH STREET**

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

- 1. Meet with Municipal Judge**
- 2. 2014 Work Plan**
- 3. Board Reports**
- 4. Other Business**

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

December 4, 2013

The City Council of the City of Grand Junction convened into regular session on the 4th day of December, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Duncan McArthur, Phyllis Norris, Barbara Traylor Smith, and Council President Sam Susuras. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Susuras called the meeting to order. Councilmember Traylor Smith led the Pledge of Allegiance, followed by an invocation by Dave Edwards, Ohr Shalom Jewish Community Center.

Council Comments

Councilmember Boeschstein had just returned from Boston and he relayed that he was able to greet and shake hands with the Mayor of Boston, Mayor Menino. He then went to the Town of Norwalk and met with the former Mayor of Norwalk, Mayor Collins.

Councilmember Doody noted that the streets were pretty cleaned up from the storm and cautioned everyone to be careful.

Councilmember Chazen said on November 22nd, he attended the Grand Junction Fire Academy graduation. He delivered brief comments at the graduation in celebration of the recruits' achievements. On November 23rd, he went for a ride-along with the Police Department; he was impressed with the professionalism of the officers. He encouraged others to do the same. On November 25th, he attended the Associated Governments of Northern Colorado (AGNC) meeting and Governor Hickenlooper was in attendance. The group asked the Governor for help in releasing \$3.8 million in mineral revenues. These funds should have been released to the local jurisdictions.

Councilmember Traylor Smith went to the STRIVE open house and she saw how they have consolidated their facilities to serve their clients.

Citizen Comments

Heather Anne Bovat, 3238 E I-70 Business Loop, Clifton, distributed a handout and then addressed the City Council regarding her dog that her son brought home at five weeks old that became her service dog for 11 ½ years. Ms. Bovat said she has post-traumatic stress syndrome. While she was hospitalized for several months last April for the syndrome, her dog stayed with a family in Collbran. Upon her return she retrieved the dog and she spent a day with her but then Ms. Bovat had the dog stay with friends again until she could make travel arrangements to bring her to her new home in Lake Tahoe.

While the dog was with friends, the dog ran away and ended up at Animal Services. Ms. Bovat looked for the dog and went to Animal Services. The dog had been micro-chipped, however, when Animal Services scanned the chip, they retrieved the wrong information. What followed was an advisement that her dog had been euthanized. She asked the Council to ensure that there is a fail-safe process to prevent this from happening again. She has heard this has happened to other dogs. She urged owners to make sure their microchip information is updated.

CONSENT CALENDAR

Councilmember Doody read the Consent Calendar items #1-3 and then moved to adopt the Consent Calendar. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the November 18, 2013 City/County Annual Persigo Meeting, November 20, 2013 Special Meeting, and the November 20, 2013 Regular Meeting

2. Property Tax Resolutions for Levy Year 2013

The resolutions set the mill levies of the City of Grand Junction (City), and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations.

Resolution No. 72-13—A Resolution Levying Taxes for the Year 2013 in the City of Grand Junction

Resolution No. 73-13—A Resolution Levying Taxes for the Year 2013 in the Downtown Development Authority

Action: Adopt Resolution Nos. 72-13 and 73-13

3. CDBG Subrecipient Contract with STRIVE for Previously Allocated Funds within the 2013 Community Development Block Grant (CDBG) Program Year [File #CDBG-2013-09]

The Subrecipient Contract formalizes the City's award of \$20,000 to STRIVE allocated from the City's 2013 CDBG Program as previously approved by Council. The grant funds will be used for rehabilitation of two buildings utilized for The Parenting Place.

Action: Authorize the City Manager to Sign the Subrecipient Contract with STRIVE for The Parenting Place Rehabilitation for \$20,000 for the City's 2013 Program Year Funds

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—2013 Supplemental Appropriation Ordinance and 2014 Appropriation Ordinance

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction for the 2013 amended and 2014 proposed budgets.

The public hearing was opened at 7:23 p.m.

City Manager Rich Englehart presented this item. He noted that other Staff members are present and available to answer any questions.

City Manager Englehart started with the service the City provides through its employees and how employees serve with honor, integrity, teamwork, and respect. He related a story that occurred on Halloween; a police officer was approached by a person with a toy gun who was trying to threaten the Police Officer, however, because of his training and experience, the officer came close, but in the end did not pull the trigger on his gun. Another story was shared about a rescue of a family pet by the Parks Department Staff and Fire Department personnel.

City Manager Englehart then reviewed the development of the budget and the meetings and hours spent on this process. City Manager Englehart reviewed the numbers. The budget proposed is \$132.4 million in total spending which is an 8% decrease over 2013. He reviewed Operating Expenses, Labor Expenses, and how they will be implementing the second half of the market wage implementation. There will be increases in health care costs and there are no new full time positions being requested.

The sources of revenues were explained and they are projected to be flat for 2014. The spending by type was then detailed with \$20.5 million dedicated to capital projects. He then reviewed spending by department.

City Manager Englehart displayed a map that demonstrated the location of the various capital projects. He listed the Council's commitment to community investment.

In conclusion, City Manager Englehart said it is the community's budget and he is proud of the process and the use of the taxpayer's dollars.

Councilmember Boeschstein thanked the City Manager and Staff for the work done on the budget. He noted the tough economic times but said he was supportive of the community investment by the City.

Councilmember McArthur asked about the zero balance in the Transportation Capacity Fund at the end of 2013. Financial Operations Director Jodi Romero advised that money available in that fund went to the truck stop project, and the general fund will make up the difference. They anticipate receiving enough funds in 2014 to cover the projects being proposed.

Councilmember McArthur thanked the Staff for their work and appreciated all the work in getting the new Councilmembers up to speed.

Council President Susuras opened the public hearing for public comment at 7:45 p.m.

Jon Maraschin, Incubator Center Executive Director, thanked the Council for having the confidence and continued support in the Incubator programs. He invited the City Council to their annual open house.

Councilmember McArthur noted that there are people who do not know about the services of the Incubator. Mr. Maraschin said they have helped 761 businesses get started, so he is disappointed if there are people who don't know about them, but they will continue to try to get the message out.

Councilmember Norris said she was excited about the Incubator's "Maker Space" project as well as the economic gardening project.

Rob Bleiberg, Executive Director of the Mesa Land Trust, thanked the City Council for their continued support of the Land Trust in the project along Monument Road.

There were no other public comments.

The public hearing was closed at 7:51 p.m.

Councilmember Boeschstein said he is pleased with the budget and that the City is doing innovative and creative things for the community.

Councilmember Doody noted the hard work, especially by Staff; he said it was the best budget cycle he has been a part of. He pointed out a few funding items: the partnership with Colorado Mesa University (CMU) for the classroom construction and the increased funding for the Western Slope Center for the Children.

Councilmember Norris thanked the Staff for all their work to help them understand and answer all their questions. She also appreciated the work of the Council together.

Councilmember Chazen read a statement thanking the Staff and everyone that participated.

“Thank you Mayor Susuras. Before commenting on the 2014 budget, I would like to thank all the City employees who worked on this budget these past few months. Virtually all of the City Staff was involved, reviewing and re-reviewing, and finally submitting a financial plan that reflects their best guess for 2014. Speaking from years of experience, budgeting is hard, thoughtful work, and I want to thank those who participated. I would like to thank our City Manager Rich Englehart for overseeing the process and bringing us to this point. And I would especially like to thank our Financial Director Jodi Romero and her staff who prepared the many schedules and reports. Any comments made tonight, good or bad, do not detract from the sustained effort of those who worked on this financial plan. The purpose of a budget is to lay out a financial plan that achieves strategic operational goals. For me, those goals for 2014 are Economic Development, Public Safety, and Infrastructure Improvement, all within a financial framework that we can afford. Before implementing this budget, it is useful to ask if this budget achieves these goals. With regard to public safety and essential services, the answer is clearly yes. These areas of operations continue to deliver good value for the taxes and fees our citizens pay and the departments are staffed by dedicated individuals who are truly good at what they do. But this budget also includes areas of weakness and risk. We need to understand these areas and be prepared to deal with them. Primarily, uncertain revenues from a weak economy is one of the areas we need to closely watch. My preference was to have budgeted more money for economic development and street repairs. I would also have liked to see a set-aside of reserves for capital projects likely to hit in subsequent years. In the end, a large factor of my decision has been the assurance that management recognizes the risks and is committed to reacting quickly to changes in economic conditions. We have also been assured that, during 2014, management will look for ways to improve operations. So, after months of wrestling with the issues, taking the pluses and minuses into account, I believe that on balance, the 2014 budget is workable and it has my full support. Once again I would like to thank the Staff for their efforts and commitment to delivering the best possible service to our citizens, and I honor their perseverance during these difficult times. 2014 will be an interesting and challenging year. Thank you.”

Councilmember Traylor Smith thanked everyone for the work and effort in review and explanation of everything.

Councilmember McArthur said no one in the valley had an easy time doing their budgets this year and the City Council also had to make difficult decisions. The changes that were made were made in order for them to do their best. He is concerned about economics in the coming year. He lauded everyone for their efforts. He will support the budget.

Council President Susuras also read a statement:

“Rich and John, I want to thank and compliment you, along with the Department Heads, Staff, and Council for your efforts in producing the 2014 budget. I believe it was a very good process. We, together, put in many long hours of preparation, discussion, debate, and decision making. I believe we have produced a good, sound budget for 2014. This budget is the fourth City budget that I worked with Staff and Council to produce. In every one of these budgets, there were some line items that I agreed with, and some I disagreed with. Some line items in my estimation should have been more or less. But, in our decision making, once four or more Council members agree to a line item amount, it is a done deal. I have learned that once a decision is made on an issue, even if I personally disagree, it is important and necessary that I accept a majority decision and move on. For the Council to be effective, I believe I must buy into and take ownership of the final budget each year I serve on City Council. I take ownership of this budget as a member of the Council. I will be voting yes on Ordinances 4609 and 4617.”

Ordinance No. 4609—An Ordinance Making Supplemental Appropriations to the 2013 Budget of the City of Grand Junction

Ordinance No. 4617—An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado and the Downtown Development Authority for the Year Beginning January 1, 2014, and Ending December 31, 2014

Councilmember Doody moved to adopt Ordinance Nos. 4609 and 4617 and ordered them published in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Extension of Website Marketing and Advertising Contracts for the Visitor and Convention Bureau (VCB)

This request is for the extension of two existing contracts for an additional one-year term for the period of January 1, 2014 through December 31, 2014. Currently, the Visitor and Convention Bureau (VCB) utilize the services of Miles Media Group LLLP for Website Marketing and PILGRIM (formerly known as CCT Advertising) for Tourism Advertising on an annual basis. Both Advertising and Website services will be competitively solicited through a formal process in 2014.

Debbie Kovalik, Economic, Convention, and Visitor Services Director, presented this item. She explained that the Visitor Convention Bureau (VCB) is requesting an extension on two of the contracts for advertising and website services. Both contractors have had annual renewable contracts with the VCB. Both were awarded the original contracts through a competitive bid process. She detailed the services provided by each. The contracts have a provision to provide for a reduction in services and payment if revenues fall significantly. The Miles Media contract is proposed to be increased by \$35,000 for the

Get Smart feature. The reason they are asking for an extension of these contracts is that the VCB Board will be developing a new strategic plan in 2014 and then they will be able to devise the scope of services for the new service contracts.

Councilmember Boeschstein lauded Ms. Kovalik's work and his personal positive experience with the VCB and their relationship with visitors. He noted the low number of visitations to the City. Ms. Kovalik said the low numbers parallel the local economy. In order to stay competitive, many of the lodging facilities are reducing rates. Councilmember Boeschstein noted the fires around the State were partly to blame for low visitation numbers. Ms. Kovalik agreed and said the government shutdown also had an impact on the amount of visitors to Grand Junction.

Councilmember Boeschstein asked about the status of the change of the Monument to a National Park. Ms. Kovalik said the VCB Board will give her an update and she will then update the Council.

Councilmember Doody reminded Ms. Kovalik he would like to talk about the VCB being a standalone entity in the future.

Councilmember Norris was pleased that the VCB is doing a strategic plan. She noted a couple of events were brought in to Grand Junction and complimented the work that they did.

Councilmember McArthur said he attended the board meeting where the Get Smart presentation was done and he was impressed.

Councilmember Traylor Smith expressed her appreciation of the work they do and said she had a conversation with Barbara Bowman regarding daytrips.

Councilmember Chazen said this is truly economic development. He fully supports what the organization is doing with social media. He would like to see continuity from the current vendor to any new vendor and wanted assurances that the content belongs to the City. Ms. Kovalik assured him that is a provision in all of their contracts and they have never had a problem.

Ms. Kovalik encouraged everyone to log onto their website.

Council President Susuras thanked Ms. Kovalik for her work and professionalism. Councilmember Boeschstein moved to authorize the Purchasing Division to execute a one-year contract extension with Miles Media Group, LLLP for website marketing at the VCB in the estimated amount of \$160,000 and to authorize the Purchasing Division to execute a one-year contract extension with PILGRIM (formerly known as CCT Advertising Services) at the VCB in the estimated amount of \$375,000. Councilmember McArthur seconded the motion. Motion carried.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:24 p.m.

Stephanie Tuin, MMC
City Clerk



Date: December 10, 2013
 Author: John Shaver
 Title/ Phone Ext: City Attorney,
x1506
 Proposed Schedule:
December 18, 2013
 2nd Reading
 (if applicable): NA

Attach 2
CITY COUNCIL AGENDA ITEM

Subject: Resolution Affirming the Exchange of Real Property with the Downtown Development Authority
Action Requested/Recommendation: Adopt Resolution Authorizing the Transaction.
Presenter(s) Name & Title): John Shaver, City Attorney

Executive Summary:

The City and the Downtown Development Authority propose to exchange real property in Downtown.

The City Council first considered the exchange in June; however, the finalization of the exchange was delayed pending the outcome of the Energy Assistance grant application. The grant application process is now complete.

With this resolution the City Council will authorize and ratify the exchange of the property at 600 White Avenue (commonly known as the White Hall property) for three parcels (135 S. 7th Street and 628 and 640 Colorado Avenue) near the Avalon Theatre.

Background, Analysis and Options:

See Executive Summary

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.

This request meets **Goal 4** by supporting the Avalon Theatre Renovation Project.

Board or Committee Recommendation:

The DDA Board approved the exchange at their September 5, 2013 meeting.

Financial Impact/Budget:

There is no direct financial impact of the exchange.

Legal issues:

The City Attorney has reviewed and approved the underlying documents and drafted the resolution. Legal counsel recommends approval of the resolution.

Other issues:

None.

Previously presented or discussed:

The City Council and the DDA Board have previously reviewed and favorably considered the proposed exchange.

Attachments:

DDA Resolution Approving the Exchange
Proposed Resolution

**RESOLUTION 2013-07
A RESOLUTION RATIFYING AND AUTHORIZING
THE EXCHANGE OF REAL PROPERTY BETWEEN
THE CITY OF GRAND JUNCTION AND
THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY**

RECITALS:

The City of Grand Junction ("City") owns the former First Presbyterian Church property now commonly known as White Hall, 600 White Avenue (Condominium units 1-7 inclusive and the condominium Common Area) ("the City Property" or "City Property") having been acquired for the purpose of abating a public nuisance and safety hazard resulting from a fire in September 2011 that destroyed a portion of the improvements thereon.

In 2013 the City demolished the fire-damaged portion of the City Property improvements concurrent with the abatement of asbestos-contaminated debris, leaving intact the easterly portion of improvements constructed circa 1957 that survived the fire without significant damage.

Having addressed the immediate public health and safety concerns, the City now desires to transfer the City Property to the Grand Junction Downtown Development Authority ("DDA") in order that the DDA may consistent with its legally defined mission and plan of development re-develop and/or market the property.

The DDA has determined that the re-development of the property is consistent with its statutory purposes, including but not limited to, the elimination of blight, the preservation of property values and the general improvement of the Downtown District.

The DDA owns three parcels of property immediately south and southwest of the Avalon Theatre located at 135 S. 7th Street, 628 Colorado Avenue and 640 Colorado Avenue together having been acquired for and developed as public parking lots serving the Downtown District. Together and for purposes of this Resolution these parcels shall be known as "the DDA Property" or "DDA Property."

The City has determined that the acquisition of the DDA Property serves the public by providing the benefit of consolidation of parking resources under the City's ownership and offers significant benefits to the renovation and expansion of the Avalon Theatre through the assemblage of parking lots with the adjacent theatre complex.

The City and the DDA have determined that each party's cost basis in their respective holdings is substantially equivalent and that an outright exchange of these holdings constitutes fair and reasonable consideration to both parties.

NOW, THEREFORE, BE IT RESOLVED BY THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY:

1. The DDA Board of Directors ratifies and authorizes the exchange of the DDA Property for the City Property contingent upon the following conditions:

a. The City Property having been platted as a condominium shall be re-platted constituted as a single parcel prior to conveyance to the DDA; and

b. The DDA previously authorized the use of its surface parking lots for the staging of the 2013 Oktoberfest on October 5, 2013, and in the event title is transferred prior to that date, the City shall honor that commitment; and

c. The City shall prepare and record all plat(s), deeds and documents necessary for the effectuation of the terms of this agreement.

2. The terms hereof shall become effective only upon the ratification by the Grand Junction City Council of the exchange contemplated herein. Any modification to the conditions stated herein or the addition of new conditions shall require DDA Board review, consent and ratification to those terms.

ADOPTED this 5th day of September 2013.



Jodi Coleman-Nienberg, DDA Chair

ATTEST:



Diane Keliher, Secretary

RESOLUTION NO. _____

A RESOLUTION RATIFYING THE EXCHANGE, AND OTHER ACTIONS TAKEN IN SUPPORT THEREOF, OF THE REAL PROPERTY LOCATED AT 600 WHITE AVENUE FOR THE REAL PROPERTY LOCATED AT 135 S. 7TH STREET AND 628 AND 640 COLORADO AVENUE

Recitals.

The Grand Junction Downtown Development Authority Board (“DDA”) is the owner of the property located at 135 S. 7th Street and 628 and 640 Colorado Avenue (“DDA Property”). The DDA Property is near the Avalon Theatre.

The City of Grand Junction (“City”) is the owner of the property located at 600 White Avenue (“City Property”). The City acquired the property after the building thereon was damaged by fire; the acquisition was in lieu of an abatement lien. At the time the City Property was acquired it consisted of seven condominium units. The City has extinguished the condominiums and the exchange provided for herein will be of a single parcel of land together with certain improvements.

In June 2013, the City Council and the Downtown Development Authority Board agreed in principle to the exchange the DDA Property for the City Property all located in downtown Grand Junction. In September 2013 the DDA formally approved the exchange. A copy of that resolution is attached. The Board then and the Council now recognize and agree that the exchange will facilitate the redevelopment of the Avalon Theatre and the eventual redevelopment/reuse the City Property for a beneficial use.

Because the DDA has been a strong supporter of the renovation of the Avalon Theatre and because its legal mission and purpose includes the redevelopment of physically and economically distressed property within the district, the exchange is appropriate, lawful and supports the objectives of both the DDA and the City.

The City and the DDA have determined and agreed that the values of the properties are sufficiently comparable and the economic and other considerations of the exchange are sufficient for the making of and enforcement of an agreement.

The City’s obligation to proceed with the exchange as described herein is expressly conditioned upon and subject to the formal ratification, confirmation and consent of the City Council.

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

The City, by and through the City Council and the signature of its President, does hereby ratify the actions taken by and on behalf of the City of Grand Junction for the exchange of real property with the Grand Junction Downtown Development Authority and furthermore authorizes the City

Manager to execute the deed to the City Property and accept the deed for the DDA Property and otherwise complete and perform all necessary or required duties and obligations to be perform the exchange as described herein.

PASSED and ADOPTED this _____ day of _____, 2013.

Sam Susuras
Mayor and President of the Council

Attest:

Stephanie Tuin
City Clerk



Date: December 6, 2013
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner
x1442
 Proposed Schedule:
December 18, 2013
 2nd Reading (if applicable): N/A
 File # (if applicable): SPT-2013-506

Attach 3
CITY COUNCIL AGENDA ITEM

Subject: Special Permit, Located at 2385 G Road
Action Requested/Recommendation: Approve a Special Permit to Allow the Interim Use of the Property for an Interim Modular Residential Unit
Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

Application for a special permit to allow interim use of the property for a modular residential unit in a M-U (Mixed Use) zone district with a contradicting Comprehensive Plan Future Land Use designation of Village Center, in accordance with Section 21.02.120 of the Grand Junction Municipal Code.

Background, Analysis and Options:

The subject property consists of 13.543 acres and has historically had two single family homes on it. Both homes were demolished in the late 1980's to early 1990's. The property was annexed as part of the Northwest Enclave in 1995.

The property is located along the western border of the Village Center in the 24 Road Corridor, an area within the City of Grand Junction that is in its development infancy. Many of the properties in the area are vacant, large acreage commercial and commercial/industrial properties. The businesses in the area consist of many commercial/industrial businesses with minimal on site employees. These conditions limit the number of people in the area to consistently observe the properties and what is happening on or near them.

The owner has had issues on the property with unauthorized camping, vandalism and dumping of trash. Single family residential is not an allowed use in the M-U zone district or in conformance with the Village Center Future Land Use designation. The owner is asking for a Special Permit to allow for a modular residential unit to be placed on the property as an interim use in order increase security for the property. As discussed below, Staff supports the issuance of a special permit for this specific interim use.

The Zoning and Development Code allows a special permit for interim uses. Staff determined that a modular residential unit on this property for security and maintenance purposes as described in this staff report is an appropriate interim use for the property and that a special permit would be appropriate for this project under the conditions described in this report.

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

The site is currently zoned M-U (Mixed Use) with the Comprehensive Plan Future Land Use Map identifying this area as Village Center / Commercial/Industrial. Approval of the Special Permit would promote the following goals of the Comprehensive Plan.

Goal 6: Land use decisions will encourage preservation and appropriate reuse.

The interim use of the property of a modular residential unit is consistent with this goal, with minimal improvements to the site; it will allow the land to be redeveloped for future commercial businesses when the market is ripe.

Board or Committee Recommendation:

The Grand Junction Planning Commission met on December 10, 2013 and forwarded a recommendation of approval to the City Council.

Financial Impact/Budget:

There is no financial impact.

Legal issues:

Legal staff has reviewed the proposal and has no concerns or issues.

Other issues:

None

Previously presented or discussed:

No

Attachments:

Staff Report
Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing Zoning Map
Site Plan
Proposed Special Permit

BACKGROUND INFORMATION					
Location:		2385 G Road			
Applicants/Representative:		Applicant: WDM Corporation Representative: Lois Dunn			
Existing Land Use:		Vacant			
Proposed Land Use:		Modular residential Unit			
Surrounding Land Use:	North	Vacant commercial			
	South	Vacant commercial			
	East	Vacant commercial/Agriculture			
	West	Commercial/Industrial laydown yard			
Existing Zoning:		M-U (Mixed Use)			
Proposed Zoning:		M-U (Mixed Use)			
Surrounding Zoning:	North	M-U (Mixed Use)			
	South	M-U (Mixed Use)			
	East	M-U (Mixed Use)			
	West	M-U (Mixed Use)			
Future Land Use Designation:		Village Center / Commercial/Industrial			
Zoning within intensity range?		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ANALYSIS:

Background

The subject property consists of 13.543 acres and has historically had two single family homes on it. Both homes were demolished in the late 1980's to early 1990's. The property was annexed as part of the Northwest Enclave in 1995.

The property is located along the western border of the Village Center in the 24 Road Corridor, an area within the City of Grand Junction that is in its development infancy. Many of the properties in the area are vacant, large acreage commercial and commercial/industrial properties. The businesses in the area consist of many commercial/industrial businesses with minimal on site employees. These conditions

limit the number of people in the area to consistently observe the properties and what is happening on or near them.

The owner has had issues on the property with unauthorized camping, vandalism and dumping of trash. Single family residential is not an allowed use in the M-U zone district or in conformance with the Village Center Future Land Use designation. The owner is asking for a Special Permit to allow for a modular residential unit to be placed on the property as an interim use in order increase security for the property. As discussed below, Staff supports the issuance of a special permit for this specific interim use.

The Zoning and Development Code allows a special permit for interim uses. Staff determined that a module residential unit on this property for security and maintenance purposes as described in this staff report is an appropriate interim use for the property and that a special permit would be appropriate for this project under the conditions described in this report.

Special Permit:

The special permit (GJMC Section 21.02.120) is a City Council discretionary review process that was added to the 2010 Zoning and Development Code to add flexibility when considering a land use that may be less than permanent or temporary in nature. A special permit may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special permit is required only when more flexibility is required beyond that afforded to the Director of Public Works and Planning through the administrative adjustment process. A special permit is allowed in all zone districts for a development that is proposed as an interim use established with a minimal investment and with a development design that can be easily redeveloped as envisioned by the Comprehensive Plan (Section 21.02.120(b)(2)(ii).)

Staff considers the proposed use of the property as an appropriate interim use and recommends approval for the following reasons:

- The property is on the western edge of the Village Center within 24 Road Corridor; an area within the City which is in its infancy of development. Many of the sites in the area are vacant, large acreage parcels. This limits the number of people in the area that may notice something inappropriate and/or illegal that may be occurring. The property owner has had issues with unauthorized camping/living on the property, vandalism, trash dumping etc. on the property. Having someone living on the property until the site is developed with a commercial use will aide in minimizing the problems that have been occurring on the property; improving the overall safety in the neighborhood.
- Because the special permit proposed does not authorize permanent construction of any buildings or structures making redevelopment into a commercial use that

meets the full requirements of the Code when the market conditions are appropriate.

- There is an existing foundation on the property and the owner shall place the modular on the existing foundation, minimizing necessary improvements to the site.

The proposed special permit is valid only for a modular residential use and accessory structures and uses (as those terms are specifically defined in the permit). The special permit would terminate if residential use (by non-use) for six months or longer or if the property is redeveloped into any other use.

Consistency with the Comprehensive Plan:

The site is currently zoned M-U (Mixed Use) with the Comprehensive Plan Future Land Use Map identifying this area as Village Center / Commercial/Industrial. Approval of the Special Permit would promote the following goals of the Comprehensive Plan.

Goal 6: Land use decisions will encourage preservation and appropriate reuse.

The interim use of the property of a modular residential unit is consistent with this goal, with minimal improvements to the site; it will allow the land to be redeveloped for future commercial businesses when the market is ripe.

Section 21.02.120 of the Grand Junction Zoning and Development Code – Special Permit:

To obtain a special permit, the Applicant must demonstrate compliance with the following criteria:

(1) Comprehensive Plan. The Special Permit shall further the goals and policies of the Comprehensive Plan. The Special Permit shall serve to determine the location and character of site(s) in a Neighborhood Center, Village Center, City Center (which includes Downtown) or Mixed Use Opportunity Corridors on the Future Land Use Map of the Comprehensive Plan;

The proposed Special Permit furthers Goal 6 of the Comprehensive Plan by allowing the interim use of the property for a modular residential unit without substantial site improvements which leaves the land available to be redeveloped with full site upgrades when the market is ripe.

(2) Site Plan Review Standards. All applicable site plan review criteria in GJMC 21.02.070 (g) and Submittal Standards for Improvements and Development (GJMC Title 22), Transportation Engineering Design Standards (GJMC Title 24), and Stormwater Management Manuals(s) (GJMC Title 26);

Site plan review standards do not apply to the erection of a modular single family residence on this site. The applicant has submitted a site plan showing the structure will meet the bulk standards of the M-U zone district.

(3) District Standards. The underlying zoning district standards established in Chapter 21.03 GJMC, except as expressly modified by the proposed Special Permit;

The proposed placement of the modular residential unit meets all bulk standards of the M-U zone district. Any buildings proposed in the future will be required to meet the M-U bulk standards.

(4) Specific Standards. The use-specific standards established in Chapter 21.04 GJMC.

GJMC 21.04.030(m) – Manufactured Home requires the home be a HUD approved modular home, located on a permanent foundation and meet the bulk standards of the zone district the home is to be located in. The proposed home is HUD approved and will be using the foundation the previous home was located on. The Universal Building Code provides the standards for a modular home foundation. The Mesa County Building Department will be inspecting the home and foundation to insure conformance with the required standards. The home placement and dimensions meets the required bulk standards for the M-U zone district.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the WDM Corporation Special Permit application, SPT-2013-506 for a special permit, I make the following findings of fact, conclusions and conditions of approval:

1. The requested modular residential unit use as proposed on the attached site plan is consistent with the Comprehensive Plan as an interim use with the approval of the attached special permit with the conditions stated therein.
2. The review criteria in Section 21.02.120 of the Zoning and Development Code for a special permit have all been met.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing Zoning Map
Site Plan
Proposed Special Permit

Site Location Map



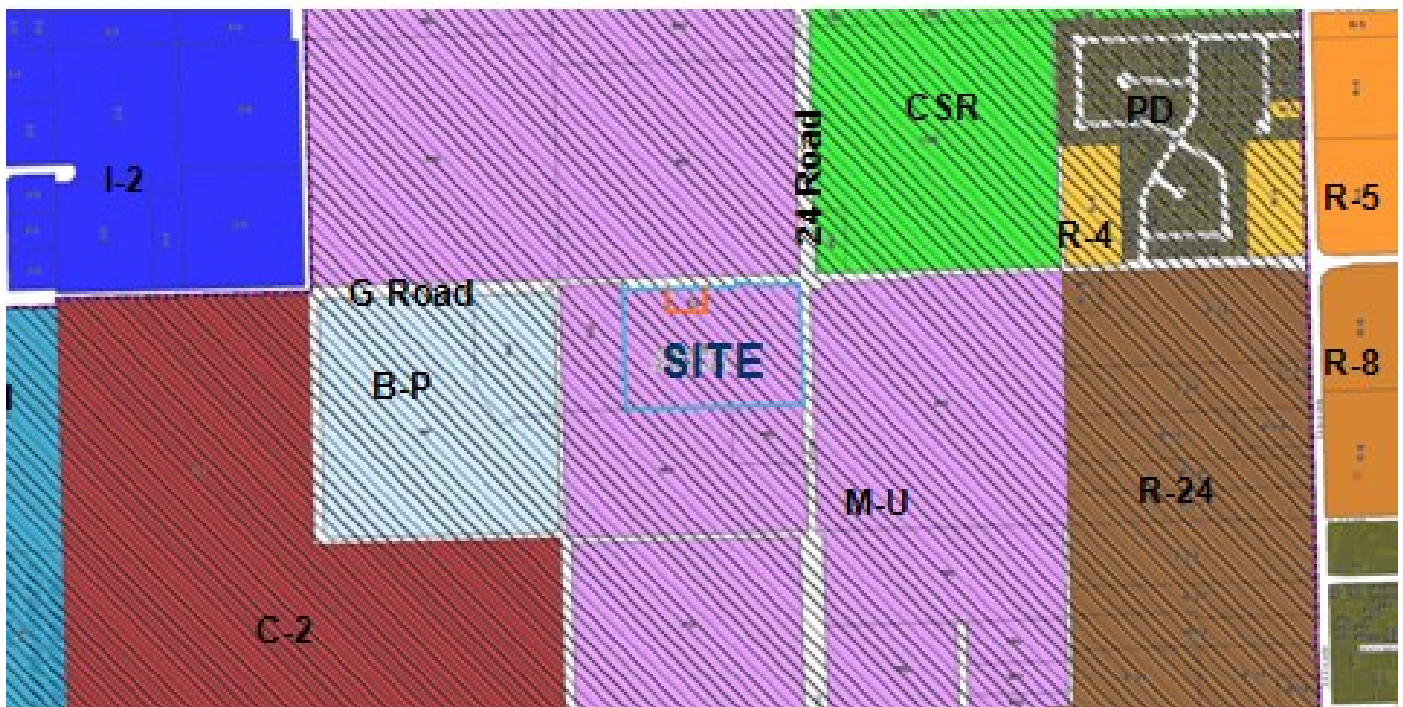
Aerial Photo Map



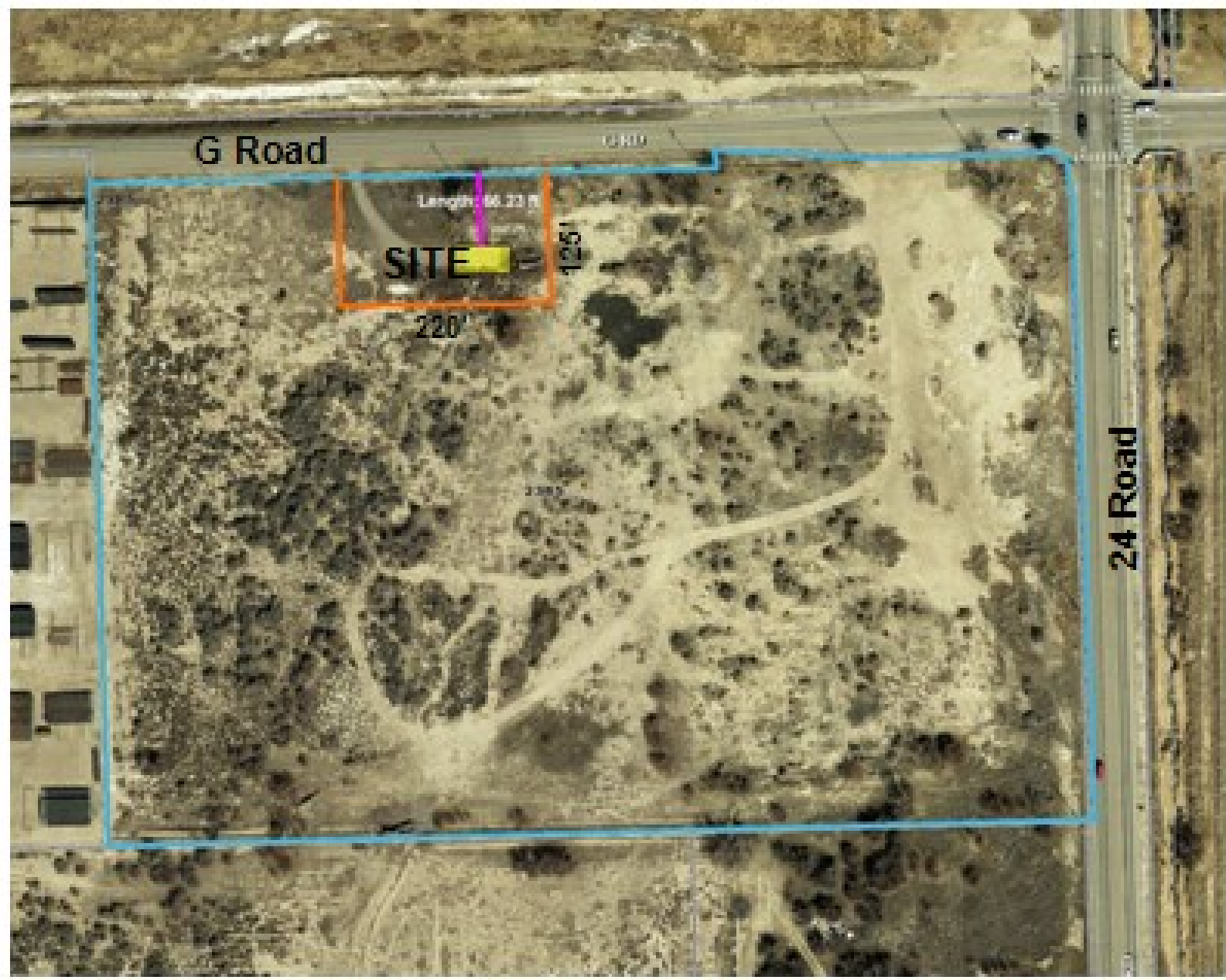
Comprehensive Plan Future Land Use Map



Existing Zoning Map



Site Map



CITY OF GRAND JUNCTION, COLORADO

SPECIAL PERMIT NO. 2013-2

**PURSUANT TO SECTION 21.02.120 OF THE GRAND JUNCTION MUNICIPAL CODE
(ZONING AND DEVELOPMENT CODE) FOR AN INTERIM USE ON PROPERTY
LOCATED AT 2385 G ROAD IN GRAND JUNCTION, COLORADO**

Findings:

An application for a special permit has been reviewed by staff in accordance with the Zoning and Development Code (Code). Applicant WDM Corporation is the owner of the property located at 2385 G Road in Grand Junction Colorado.

The applicant is requesting approval to use the property on an interim basis as a residence, placing a modular residential unit on an existing foundation on the property, primarily to provide some security to the property in the interim period while the more permanent development of the property, consistent with the Comprehensive Plan, is being considered.

The property is zoned M-U, which does not permit the proposed use of single family residential. The landowner has submitted a site plan showing the proposed structure will meet the bulk requirements of the M-U zone district. A special permit provides flexibility when considering a land use that may be less than permanent or temporary in nature, and may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special permit is required only when more flexibility is required beyond that afforded to the Director of Public Works and Planning through the administrative adjustment process.

The Special Permit allows use as particularly described herein, subject to the stated conditions, while adequately providing for future redevelopment of the property in accordance with the applicable zoning and the Comprehensive Plan. In approving the Special Permit, the City Council has considered the approval criteria for a Special Permit as set forth in the Staff Report. The findings and conclusions in the Staff Report support the issuance of this Special Permit.

Approval of the Special Permit promotes the following goals of the Comprehensive Plan:

Goal 6: Land use decisions will encourage preservation and appropriate reuse.

The proposed Special Permit furthers Goal 6 of the Comprehensive Plan by allowing the interim use of the property for a modular residential unit without substantial site improvements while keeping the potential for the land to be redeveloped for future commercial businesses with more permanent site features such as landscaping, irrigation, structures and screening, where required, when the market is ripe.

The Special Permit furthers the goals and policies of the Comprehensive Plan.

The Permit complies with the underlying zoning district standards for M-U established in Chapter 21.03 of the Code. It satisfies the review criteria found in Section 21.02.120(c) including compliance with use-specific standards established in Chapter 21.04.

NOW THEREFORE, BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT A SPECIAL PERMIT IS APPROVED, PURSUANT TO SECTION 21.02.120 OF THE GRAND JUNCTION MUNICIPAL CODE (ZONING AND DEVELOPMENT CODE), ALLOWING THE FOLLOWING USES ON THE PROPERTY DESCRIBED BELOW WITH THE FOLLOWING CONDITIONS, WITH THE ABOVE FINDINGS BEING AN INTEGRAL PART HEREOF:

1) The site is described as follows:

BEG S 89DEG56'18SEC E 330.01FT FR NW COR OF N2NE4NE4 SEC 5 1S 1W S 89DEG56'18SEC E 593.99FT S 0DEG04'59SEC W 659.97FT N 89DEG55'26SEC W 593.99FT N 0DEG04'59SEC E 659.82FT TO POB EXC N 30FT FOR RD ROW & E 6 ACRES OF NE4NE4NE4 SEC 5 1S 1W EXC ROW ON N

Also known as 2385 G Road. The area governed by this Special Permit includes the entire area of the lot and shall be referred to herein as the Site. The area allowed for improvements is outlined on the Site Plan in orange.

2) Use of the Site is limited to a modular residential unit and accessory uses/structures as allowed in GJMC 21.04.040 with the exception that accessory dwelling units and animals other than those categorized as "Household Pets" are not permitted.

3) One principle residential modular unit shall be constructed or installed on the Site. Accessory buildings are allowed following the standards of the M-U zone district, but shall not be constructed on a permanent foundation.

4) The residential unit shall be connected to water and sanitary sewer services. Use of a new or existing septic system is not permitted.

5) Uses not specifically described herein, regardless of type or classification and regardless of whether such uses appear as "allowed" uses in the zone/use table of the City's Zoning and Development Code, are prohibited on this site during the term of this Special Permit, unless the Director determines that such a use is accessory to and reasonably incidental and necessary for the specified uses, in which case the Director shall so specify in writing.

6) Historical drainage patterns shall be maintained on the Site.

- 7) Access and site circulation shall be in accordance with the approved Site Plan.
- 8) This Special Permit runs with the land but is valid only for the specific use as described herein. The Special Permit shall terminate if the residential use ceases (by non-use) for six months or longer or if the property is redeveloped into any other use.
- 9) The failure of this permit to specify other applicable local, state or federal laws or regulations shall not be construed to affect the enforcement thereof. A violation of such applicable laws or regulations may constitute a basis for revocation of the Special Permit, in addition to and not in lieu of any other appropriate remedies or penalties.
- 10) The Director may administratively approve minor changes to the Site Plan and this Permit, if he determines that the intent of this Special Permit is maintained, the operational needs of the applicant will be benefitted, and no injury to the public will ensue.

Passed and adopted this _____ day of _____, 2013.

ATTEST:

President of City Council

City Clerk

Site Map





Date: December 9, 2013
 Author: Greg Trainor
 Title/ Phone Ext: Public Works
Director/244-1564
 Proposed Schedule:
 Council meeting of December 18,
2013
 (if applicable): _____

**Attach 4
 CITY COUNCIL AGENDA ITEM**

Subject: Resolution to Congress Regarding Federal Responsibility for Treatment and Repair of Damages caused by Storm Water Flows Originating on Federal Lands
Action Requested/Recommendation: Adopt Resolution
Presenter(s) Name & Title: Greg Trainor, Public Works and Utilities Director

Executive Summary:

This resolution requests Congress to establish responsibility for treatment and repair of damages caused by storm flows originating on public lands and asks the federal government to allocate funds for construction and maintenance of facilities to prevent damages and repair damages caused by such flows.

Background, Analysis and Options:

The Board of Directors of the 521 Drainage Authority adopted the attached resolution and have asked each member of the Authority to separately adopt the same resolution.

There are federal lands that are up-gradient to or near non-federal lands which may be damaged by storm water originating on the federal lands. These storm water flows pass through or over non-federal lands and regularly cause damage and injury to non-federal properties. Grand Valley Drainage District and Town of Palisade have adopted the resolution to date.

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

Management of storm water and development of flood control will insure that development can take place within the Grand Valley in a safe and orderly manner.

Board or Committee Recommendation:

Resolution adopted by 521 Drainage Authority on November 7, 2013.

Financial Impact/Budget:

The 521 Drainage Authority hopes, that by adoption of this resolution and further subsequent Congressional action, the Federal government will become actively engaged in storm water management in the Grand Valley, either by their financial contributions or by the presence in the 521 Drainage Authority. The Federal National Guard has participated in construction of detention facilities on Leach Creek over the past two construction seasons.

Federal funding may, in the future, become available for necessary storm water improvements, repairs and flood damages.

Legal issues:

The adoption of this resolution does not commit the City of Grand Junction or the 521 Drainage Authority to any additional responsibilities that it does not already have.

Other issues:

None

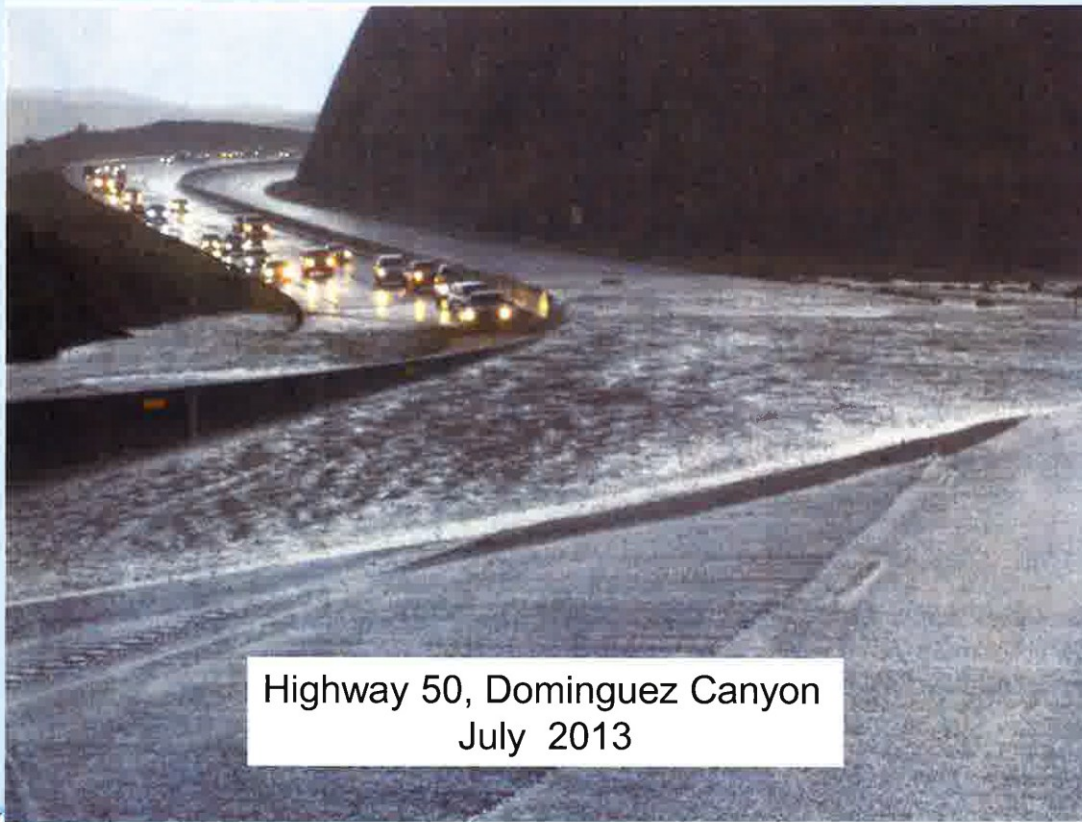
Previously presented or discussed:

Related storm water issued discussed during the Wilsea Drain transfer August 7, 2013

Attachments:

Photo of Storm Event on Highway 50
Map of Natural Wash Basins
Resolution Adopted by the 521 Drainage Authority
Proposed Resolution

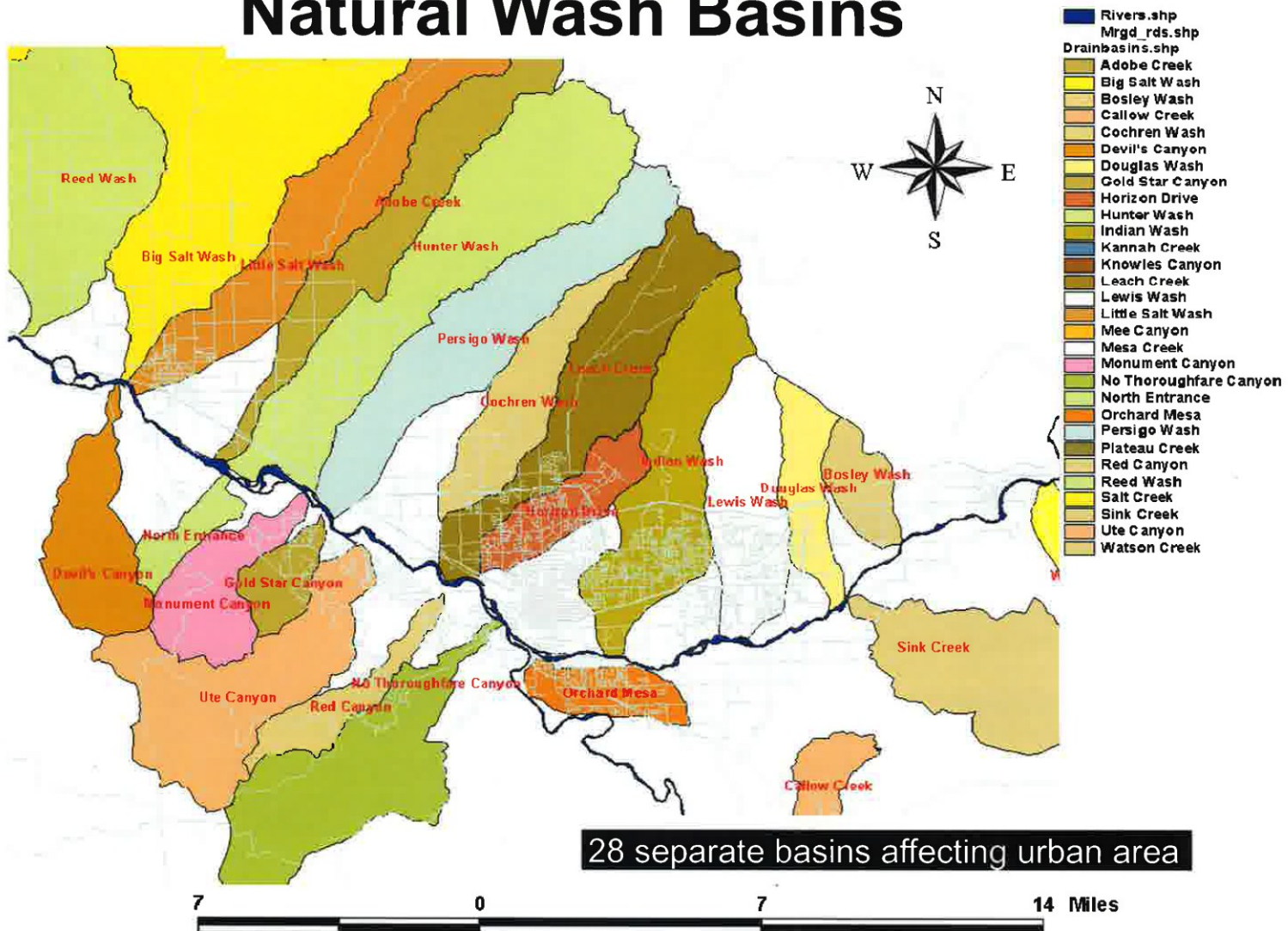
5-2-1 DRAINAGE AUTHORITY



Highway 50, Dominguez Canyon
July 2013



Natural Wash Basins



Resolution No 2013-01

A Resolution to the Congress of the United States of America regarding federal responsibility including financial responsibility for treatment and damages from storm water flows originating on federal lands, and allocating funds for: (a) capital construction and maintenance to prevent such damage(s); and/or (b) to pay for the costs needed to repair such damage(s); and (c) to pay for the costs of compliance (e.g., monitoring, administrative compliance costs and treatment of such storm waters.)

Whereas, there are federal lands belonging to the people of the United States that are up-gradient or adjacent to or near non federal lands which may be damaged by such storm waters, including non federal lands in areas that continue to urbanize; and,

Whereas, these federal lands are managed by several federal land management agencies such as the Bureau of Land Management, the U.S. Forest Service and the National Park Service; and,

Whereas, the EPA, and the majority of the States as required by the federal Clean Water Act, continue to adopt laws and promulgate regulations which require local governments and private persons to comply with stormwater quality regulations (mandated by the federal Clean Water Act and the correlative State laws); and,

Whereas, federal law and, for example in Colorado, State governors' executive orders often, require that new regulations shall not be implemented without funding the costs of compliance with such EPA storm water regulations, thus passing onto local governments all the costs of such compliance and/or the costs of capital construction, maintenance and treatment of storm water facilities and programs which result from the flows of storm waters off of and from federal lands; and,

Whereas, the flows of storm waters from and off of such federal lands which pass through or over non federal, private and local government lands, often through urban or urbanizing areas, during episodic major storm events regularly cause damage and injury to such non-federal lands and the citizens residing down-gradient from such federal lands; and,

Whereas, federal policy, as evidenced by the flood insurance program of FEMA, already recognizes that severe public and private injury and damage regularly

results from major storm events, (e.g., damage to the public and private non-federal lands and damage and destruction caused to homes, streets, roads, bridges, parks, other developed open spaces, businesses, farmers and other citizens;) and,

Whereas, because a significant portion of the volume of major storm event flows result from unrestricted storm water flows from such federal lands, but all of the costs of compliance with federal and state regulations and the costs of repairing and paying for damage from storm waters originating on federal lands are borne by local governments and/or individual citizens and/or businesses, in apparent conflict with federal law, such as S.3481; and,

Whereas, such costs of compliance and the costs of repairing and paying for such damage should be borne by the federal government, as required by S. 3481; and,

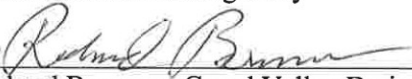
Whereas, overall, the costs to construct and maintain improvements on or off such federal lands is less, by orders of magnitude, than the costs required to repair and/or pay for such damage caused by storm waters originating on such federal lands; and

Whereas, basic American values of fairness require that the federal government pay its proportionate share of the costs of compliance and the costs to repair and pay for damage(s) arising from the storm waters originating from such federal lands.


Now, therefore be it resolved, that the Congress of the United States shall, as already directed by S. 3481, appropriate, and direct the expenditure by the managers of such federal lands, (e.g., the Bureau of Land Management, the United States Forest Service, and the National Park Service,) to, with respect to storm flows originating on or passing through such federal lands, (a) conduct studies identifying priorities for construction and/or repairs; (b) establish and implement a program whereby timely financial assistance or reimbursement is provided to local governments for (i) the construction of flood detention/retention facilities, including improvement of existing and construction of new water ways; (ii) monitoring, analysis and treatment as mandated by the federal Clean Water Act, whether or not enforcement thereof is directly by the EPA or by the several States.

Resolved this day of November 7, 2013

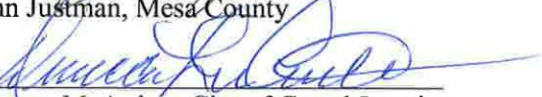
Members of Governing Body

By 
Richard Bowman, Grand Valley Drainage District

By  (By Proxy)
Dave Edwards, Town of Palisade

By 
Mel Mulder, City of Fruita

By 
John Justman, Mesa County

By 
Duncan McArthur, City of Grand Junction

RESOLUTION NO _____

A RESOLUTION TO THE CONGRESS OF THE UNITED STATES OF AMERICA REGARDING FEDERAL RESPONSIBILITY INCLUDING FINANCIAL RESPONSIBILITY FOR TREATMENT AND DAMAGES FROM STORM WATER FLOWS ORIGINATING ON FEDERAL LANDS, AND ALLOCATING FUNDS FOR: (A) CAPITAL CONSTRUCTION AND MAINTENANCE TO PREVENT SUCH DAMAGE(S); AND/OR (B) TO PAY FOR THE COSTS NEEDED TO REPAIR SUCH DAMAGE(S); AND (C) TO PAY FOR THE COSTS OF COMPLIANCE (E.G., MONITORING, ADMINISTRATIVE COMPLIANCE COSTS, AND TREATMENT OF SUCH STORM WATERS)

Whereas, there are federal lands belonging to the people of the United States that are up-gradient or adjacent to or near non-federal lands which may be damaged by such storm waters, including non-federal lands in areas that continue to urbanize; and

Whereas, these federal lands are managed by several federal land management agencies such as the Bureau of Land Management, the U.S. Forest Service and the National Park Service; and

Whereas, the EPA, and the majority of the States as required by the federal Clean Water Act, continue to adopt laws and promulgate regulations which require local governments and private persons to comply with stormwater quality regulations (mandated by the federal Clean Water Act and the correlative State laws); and

Whereas, federal law and, for example in Colorado, State governors' executive orders often, require that new regulations shall not be implemented without funding the costs of compliance with such EPA storm water regulations, thus passing onto local governments all the costs of such compliance and/or the costs of capital construction, maintenance and treatment of storm water facilities and programs which result from the flows of storm waters off of and from federal lands; and

Whereas, the flows of storm waters from and off of such federal lands which pass through or over non federal, private and local government lands, often through urban or urbanizing areas, during episodic major storm events regularly cause damage and injury to such non-federal lands and the citizens residing down-gradient from such federal lands; and

Whereas, federal policy, as evidenced by the flood insurance program of FEMA, already recognizes that severe public and private injury and damage regularly results from major storm events, (e.g., damage to the public and private non-federal lands and damage and destruction caused to homes, streets, roads, bridges, parks, other developed open spaces, businesses, farmers and other citizens); and

Whereas, because a significant portion of the volume of major storm event flows result from unrestricted storm water flows from such federal lands, but all of the costs of compliance with federal and state regulations and the costs of repairing and paying

for damage from storm waters originating on federal lands are borne by local governments and/or individual citizens and/or businesses, in apparent conflict with federal law, such as S.3481; and

Whereas, such costs of compliance and the costs of repairing and paying for such damage should be borne by the federal government, as required by S. 3481; and

Whereas, overall, the costs to construct and maintain improvements on or off such federal lands is less, by orders of magnitude, than the costs required to repair and/or pay for such damage caused by storm waters originating on such federal lands; and

Whereas, basic American values of fairness require that the federal government pay its proportionate share of the costs of compliance and the costs to repair and pay for damage(s) arising from the storm waters originating from such federal lands.

NOW, THEREFORE BE IT RESOLVED, that the Congress of the United States shall, as already directed by S. 3481, appropriate, and direct the expenditure by the managers of such federal lands, (e.g., the Bureau of Land Management, the United States Forest Service, and the National Park Service,) to, with respect to storm flows originating on or passing through such federal lands, (a) conduct studies identifying priorities for construction and/or repairs; (b) establish and implement a program whereby timely financial assistance or reimbursement is provided to local governments for (i) the construction of flood detention/retention facilities, including improvement of existing and construction of new water ways; (ii) monitoring, analysis and treatment as mandated by the federal Clean Water Act, whether or not enforcement thereof is directly by the EPA or by the several States.

Resolved this _____ day of _____, 2013.

Mayor

Attest:

City Clerk