

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

**September 6, 2006**

The City Council of the City of Grand Junction convened into regular session on the 6<sup>th</sup> day of September 2006, at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Jim Spehar, Doug Thomason, and President of the Council Jim Doody. Absent were Councilmember Gregg Palmer and Interim City Manager David Varley. Also present was Acting City Manager Ron Lappi, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Hill led in the pledge of allegiance. The audience remained standing for the invocation by David Eisner, Congregation Ohr Shalom.

**Presentation of Certificate of Appointment**

**To the Urban Trails Committee**

David Cooper was present to receive his certificate for the Urban Trails Committee.

**Proclamations/Recognitions**

**Introduction of A.J. Johnson, New Executive Director for Habitat for Humanity of Mesa County**

Bob Stratton introduced A.J. Johnson as the new Executive Director for Habitat for Humanity of Mesa County. Mr. Johnson addressed the City Council and thanked them for their support.

**Proclaiming September 2006 as “Library Card Sign Up Month” in the City of Grand Junction**

**Proclaiming the week of September 16 through September 22, 2006 as “Constitution Week” in the City of Grand Junction**

**Citizen Comments**

There were none.

**CONSENT CALENDAR**

Councilmember Thomason read the list of items on the Consent Calendar.

It was moved by Councilmember Thomason, seconded by Councilmember Beckstein and carried by roll call vote to approve Consent Calendar items #1 through #7.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the August 14, 2006 Workshop, the Minutes of the August 14, 2006 Special Meeting and the August 16, 2006 Regular Meeting*

2. **Vacation of a Utility Easement in the Prairie View South Subdivision, Located at 3028 and 3032 D ½ Road** [File #FP-2006-168]

A request to vacate a 20-foot utility easement along the northern perimeter of the proposed Prairie View South Subdivision, located at 3028 and 3032 D-1/2 Road.

Resolution No. 106-06 – A Resolution Vacating a Utility Easement Within the Properties Located at 3028 and 3032 D-1/2 Road Also Known as the Prairie View South Subdivision

*Action: Adopt Resolution No. 106-06*

3. **Setting a Hearing on Zoning the Colvin Annexation, Located at 2940 B ½ Road** [File #ANX-2006-204]

Request to zone the 9.98 acre Colvin Annexation, located at 2940 B ½ Road, to RSF-4 (Residential Single Family, 4 du/ac).

Proposed Ordinance Zoning the Colvin Annexation to RSF-4, Located at 2940 B ½ Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 20, 2006*

4. **Revoke and Reissue a Revocable Permit to Spyglass Ridge Home Owners Association for Trail Construction, Located on City-owned Property Adjacent to the Water Plant** [File #FP-2005-090]

A request to revoke a Revocable Permit and issue a new Revocable Permit with an amended alignment for trail construction and the placement of trail benches and signs on City-owned property adjacent to the water plant, west of Spyglass Ridge.

Resolution No. 111-06 – A Resolution Revoking a Revocable Permit and Approving an Amended Revocable Permit to be Issued to Spyglass Ridge Home

Owners Association with an Amended Alignment for Trail Construction, Located on City-Owned Property Adjacent to the Water Plant

*Action: Adopt Resolution No. 111-06*

5. **Setting a Hearing on Zoning and Development Code Text Amendments Concerning Multifamily Development** [File #TAC-2006-215]

A request to amend the Zoning and Development Code pertaining to multifamily development, including attached units.

Proposed Ordinance Amending Various Sections of the Zoning and Development Code Pertaining to Multifamily Development

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 20, 2006*

6. **Signal Communications Design Contract**

Award of a Professional Services Design Contract for Signal Communications Design Phase 1d to Apex Design, PC in the amount of \$58,137.50. Phase 1d will connect 24 traffic signals in the central city along North Avenue, 1<sup>st</sup> Street, 7<sup>th</sup> Street, 12<sup>th</sup> Street and 28 ¼ Road to the existing fiber optic cable network that was constructed for phases 1a, b and c. In addition, the design will allow Parks administration and up to two Mesa County facilities to be connected to the fiber network.

*Action: Award the Contract for the Signal Communications Design Phase 1d to Apex Design, PC in an Amount not to Exceed \$58,137.50*

7. **Continue Public Hearing for the Baldwin Annexation, Located at 2102 and 2108 Highway 6 & 50** [File #ANX-2006-182]

Request to continue the Baldwin Annexation to the September 20, 2006 City Council Meeting. The request to continue is to allow additional time to clarify boundary issues with the adjacent neighbor to the north.

*Action: Continue the Adoption of the Resolution Accepting the Petition for the Baldwin Annexation and Public Hearing to Consider Final Passage of the Annexation and Zoning Ordinances to the September 20, 2006 City Council Meeting*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION****City Youth Council Bylaws**

The City Youth Council is ready to have City Council adopt their bylaws. The City Youth Council would also like to be introduced to the City Council and to present the new executive officers for the 2006-2007 year.

Angela Harness, Management Intern, and Lisa Truong, Youth Mayor, reviewed this item. Ms. Truong had the members present introduce themselves. Ms. Truong presented the City Youth Council goals that came out of their retreat. She then referred the City Council to the latest draft of the Bylaws and pointed out the changes from the last discussion. She said the main changes were the title of the chair (now Youth Mayor), the duties of the Vice Youth Mayor and a member removal policy. There was also the addition of a preamble which addressed the composition and representation of the officers.

Councilmember Hill questioned the wisdom of the removal policy as it is being presented, two absences would require removal and a letter would be required to come back onto the City Youth Council. Ms. Truong clarified the policy. Angela Harness, Management Intern, clarified that it is unexcused absences. Ms. Truong stated that the Youth Council has practiced the policy and it has worked well.

Councilmember Coons pointed out that some members are not attending school within the City limits. She asked if there has been contact with the Mesa County Teen Commission. Ms. Harness said a meeting between the two groups is being set up.

Resolution No. 112-06 – A Resolution Adopting the Bylaws of the Grand Junction, Colorado City Youth Council

Councilmember Thomason moved to adopt Resolution No. 112-06. Councilmember Beckstein seconded the motion.

Councilmember Hill moved to amend the motion to add the word unexcused to the attendance policy. Councilmember Spehar seconded the amendment. Motion carried.

Motion on the primary motion was carried by roll call vote.

**Purchase Two Police Enforcement Motorcycles**

This purchase is for two 2006 BMW R1200RTHP Police Enforcement Motorcycles for Police Patrol.

Jay Valentine, Purchasing Manager, reviewed this item. He reviewed the history of the bid. Mr. Valentine said initially a single source bid was sent to BMW and following that a Request for Purchase (RFP) was developed and sent to all local dealers. He said three bids were received from two dealers but neither included the accessories that were included in the RFP. Both responding dealers were called and the accessory prices were received, then the two were compared. He said only the common items were compared between the bids. Mr. Valentine said Scott Lindsay, the owner of Harley Davidson, subsequently sent a letter to the City. Mr. Valentine addressed Mr. Lindsay's points. He said Mr. Lindsay said the City did not take into account the residual value of the Harley Davidson motorcycles. Mr. Valentine said that has not been done in the past nor was it done this time. He said Mr. Lindsay then stated that it would be difficult to sell the police-equipped BMW's. Mr. Valentine pointed out that the City has no experience with that. Mr. Lindsay's letter then said that BMW has extensive repair costs and down time. Mr. Valentine said that has not been Grand Junction's experience. He said Mr. Lindsay had some issues with accessories but that was not considered and said Mr. Lindsay's last point was that he bid the wrong accessory items. A correction would make the Harley Davidson's a lower price but the City did not allow the correction.

City Attorney John Shaver advised that Mr. Valentine has made his recommendation and said the City Council has discretion in awarding the bid.

Councilmember Hill clarified that the second time the bids were sent out the bikes were specified. Mr. Valentine said the addendum said to ignore the previous specifications but to price a police motorcycle. Councilmember Hill pointed out that the City could save \$500 if the correction is allowed. Mr. Valentine admitted the process started out a mess but the Purchasing Division did the best they could to make the process fair.

Councilmember Hill asked if there is information available about the resale value of the police BMW's. Mr. Valentine said that in the past Harley Davidson's does have a greater resale value but they do not know about the future. There is about a 30% difference in retail resale value, on the base model.

Bill Gardner, Police Chief, was accompanied by Police Sergeant Doug Norcross. He apologized for the process starting out messy. He commended the Purchasing Division for making the process as fair as possible. As the Chief, he recommended the BMW motorcycles, even if there is a substantial price difference. He said the Police Department previously did safety tests on the BMW and concluded that this is the best piece of equipment for the job they are doing. He respects the City Council's decision and will accept their decision and proudly use the equipment given to them. However, he recommends BMW.

Council President Doody pointed out the existing fleet is BMW and he would have a hard time integrating a different brand into the fleet.

Chief Gardner added there will also be additional training needed and said anecdotally a recently hired motorcycle officer from California said that the BMW is the best bike for the job.

Sergeant Norcross said the officers have had good experience with the BMW's. He said there is a higher risk for the officers riding 8 to 12 hours per day and comfort is a huge factor when they ride these year round. He said there is a high confidence factor regarding safety with the BMW's.

Councilmember Hill reviewed that it is Council's responsibility to spend the taxpayer's money responsibly. The additional information would save \$1,000 and more money at resale down the road. He would recommend approval of the lowest cost to the taxpayers and go against Staff's recommendation.

Councilmember Spehar said that he opposes juggling the numbers as there may be other accessories that could be questioned. He said there is value in having consistency in the overall fleet and said there has been an effort to balance the process. He said the key is the preferences of the officers that ride these bikes everyday and noted that Councilmember Palmer sent an email saying that the City does not buy the cheapest equipment but the better equipment for the job. He will support Staff's recommendation.

Councilmember Coons was concerned that the comparison was not equal and she is concerned about safety. She supports Staff's recommendation.

Councilmember Thomason felt the Chief made a good point as well as Council President Doody with the integration issue. He will support the recommendation.

Councilmember Beckstein was also concerned with safety and said when a mistake is made in a bid and allowed to be corrected, that would set a precedent for future bids. She also supports the recommendation.

Council President Doody asked Acting City Manager Ron Lappi to explain how this matter can be avoided in the future. Mr. Lappi explained how the previous City Manager and previous City Purchasing Manager had started the bid process and after they left, the Staff (the City Attorney and the Finance Director) did their best to rectify the situation.

Councilmember Hill pointed out that some of the Council are deciding based on safety and there is not a rating for factoring in safety. Mr. Lappi agreed, perhaps the process should have been a sole source to begin with.

City Attorney Shaver said that the safety factor was initially going to be included but from a legal standpoint there were concerns so that was removed from consideration to make the process more objective.

Councilmember Spehar said he would not be opposed to a policy for purchasing sole source items that does take into account the user, the purpose, and is not totally dependent on cost.

Councilmember Spehar moved to authorize the City Purchasing Manager to purchase two 2006 BMW R1200RTHP police enforcement motorcycles from a local dealer, All Sports Honda/BMW, LTD, the lowest responsive bidder, for the amount of \$43,125.78. Councilmember Coons seconded the motion. Motion carried with Councilmember Hill voting NO.

### **Public Hearing – Watershed Protection Ordinance**

Public hearing on the citizen-initiated Watershed Protection Ordinance, received by the City Clerk's Office August 1, 2006.

Matt Sura, 405 25 Road, representing the Western Colorado Congress (WCC), the initiator of the ordinance, was asked to make a presentation. Mr. Sura reviewed the WCC history and the reason they brought this issue forward. The industry, which is new to Mesa County, will bring jobs and resources but there are appropriate places for such development. Mr. Sura said 1,500 drilling permits have been issued in Mesa County. He said well pads require roads and each pad can be one to ten acres in size. He said there are more and more concerns about the air quality that is impacted by the wells and mentioned a hearing on November 16<sup>th</sup> by the Air Quality Commission. He noted there is new technology that keeps the drilling cleaner but not all companies are using the new technology. Mr. Sura had photos of waste pits and other accidents and said there have been over 1,000 accidents reported since 2002. He noted there is only one inspector for every 3,625 wells and the number of inspectors has been doubled but it is still not enough. He said the stipulation that has been provided by the BLM, which does not provide enough protection, does require bonding, but it is extremely low. Many times small companies will abandon wells and leave the taxpayers responsible for the clean up. He said the proposal will allow the company to be required to pay for the acquisition of baseline data, to supply a description of activities including the list of chemicals used, and to provide a list of best management practices. He noted that technology is changing constantly to improve practices. He suggested a requirement for a company to post a bond to cover 100% of potential damages and require the lessee to pay for third party monitors.

John Shaver, City Attorney, then reviewed this item. He said he did not plan a detailed presentation but was available to answer questions.

Councilmember Thomason asked if directional drilling requires individual permits. City Attorney Shaver said if the permit is for directional drilling then only one permit is required.

Councilmember Coons asked City Attorney Shaver to explain the ordinance process. City Attorney Shaver advised that the petition was deemed sufficient and Council then has the option to refer the issue to the ballot or have a hearing on the ordinance as is required for any ordinance.

Councilmember Beckstein asked for clarification on one of the provisions that seems to conflict with the BLM policy. City Attorney Shaver advised that it would not conflict with the BLM regulation; the ordinance will allow the City to protect the watershed from any risks not identified by the BLM. Councilmember Beckstein questioned why the City would have to pay fees to have this ordinance. City Attorney Shaver said that was a statement made by the Forest Service. He said the analysis is that if the Forest Service were to lose revenue because of the ordinance the City would be responsible for their loss of revenues. Secondly, fees may be assessed if there are additional costs for purposes of the Forest Service administering their permits in light of the City's ordinance, and thirdly, if there are any special permitting requirements that the Forest Service would have over the City, relative to the City's use of the forest ground for the purposes of the watershed. He said all of those would be allowed by the federal law.

Council President Doody opened the hearing for public comment at 8:39 p.m.

Karen Madsen, 2484 Sage Run Court, representing the Chamber of Commerce, said water quality is vital for our community to thrive. She said the Chamber is an advocate in educating the community on the impact of the energy industry. She said the cost is a concern if the issue is referred to a ballot along with subsequent costs to amend the ordinance.

Floyd Schneider, 1787 Broadway, submitted a letter to Council (attached).

Peggy Rawlins, 519 Liberty Cap Court, member of Concerned Citizens Alliance in Garfield County, has first hand knowledge of property owners who have been impacted by the oil and gas industry. She said BLM acknowledges that they do not have enough inspectors to keep up with the drilling and said the average of 7 acres of ground disturbance per well is usual along with roads leading up to the wells. She said the chemicals used are toxic and the bonding required is inadequate. She said Congress gave BLM the right to raise the bonding but that has not done. She asked Council if the ordinance is passed that they keep the bonding inspection requirement and reclamation points the community has asked for in the ordinance.

Larry Kent, 991 21 Road, Fruita, Senior District Manager of Halliburton and President of Western Slope Oil and Gas Association, said he would like to correct some misinformation that has been brought up. He said the maximum wells per pad is 22 and each well has its own permit. He said hydraulic fracturing has been around since 1939 and the basic ingredients used for fracturing is water, a friction reducer, and sand. Mr. Kent said complex gels have been used in the past, but are not being used at this



time. He has been a resident of Mesa County for the past 20 years and is also concerned about the water. He said that he is willing to answer any questions.

Council President Doody said regarding the chemicals that employees handle, are there material safety data sheets that are available to the employees? He asked Mr. Kent if that is normal practice. Mr. Kent said that is a requirement and must be kept on the trucks. He said some of the chemicals used are proprietary. He said the fracturing fluid of choice is water and said the water goes into a pit to be reused over and over again.

Bill Grant, WCC, 357 Martello Drive, is in favor of the proposition. He said some of the community would rather it go to the ballot. He is concerned about abandoned wells being left for taxpayers to pay for the cleanup. He can't say if Genesis would do that but they are new and their business plan does not provide confidence. He read a sentence from a press release that Genesis plans to sell within the next five years and said that does not ensure they plan to be a good long term neighbor.

Cindy Sims, 160 Dee Vee Street, said she is a registered nurse and has lived and worked in Mesa County for 25 years. She supports the initiative and has concerns about leases without the additional safety measures. She said studies have demonstrated that 25% to 82% of the fracturing fluids may return to the surface. She said the Environmental Protection Agency (EPA) stated that fracturing fluids contain a number of hazardous chemicals to human health. She said the citizens in Garfield County are now experiencing health problems. She said high contents of benzene can cause leukemia. She asked Council to please protect the watershed.

Lee Joramo, 959 Ouray Avenue, said he was in the first GJ101 class and said this is a long term issue. He would like to encourage Council to do whatever possible to protect the watershed.

Richard Alward, 281 28 Road, a candidate for the State House and also a biologist, said he has seen some exemplary work in the field, along with other types of work. He has seen well pads on top of springs and well pads across drainage ways, both illegal practices. He said these are not normal happenings but they do happen. He is pleased with how the Council has been responsive. He said he has seen much stricter watershed protection ordinances. For example, in Salt Lake City one of the prohibited acts in their watershed is allowing a dog to enter a watershed area, leashed or not. He would like to encourage Council to adopt the proposed ordinance.

Audrey Cooper, 225 Chipeta Avenue #1, said she is from LaPlata County and said that she was an inspector there. She said there are not enough monitors for the wells and said air quality is also an issue. She asked that Council adopt this ordinance.

Joseph Hayes, 185 Rainbow Drive, retired from the National Park Service, said the BLM and Forest Service are being pushed hard by the present administration in Washington. He said the operating budgets of these agencies continue to be cut and they are expected to do more with less. He said there are many dedicated men and women but the combination of political interference and lack of funding can severely handicap them from doing their jobs. He then read passages from an article (attached) from Wyoming and issues regarding gas drilling. He also encouraged the adoption of the ordinance for the watershed.

Janet Magoon, 2752 Cheyenne Drive, said in the year 1993 when the Grand Mesa Slopes amendment plan was brought up, the BLM, Forest Service, City of Grand Junction, Town of Palisade, and 30 other organizations signed this agreement. She said on page 3 it stated for mineral withdrawal appropriate restrictions will be recommended for protection of sensitive areas from the Grand Mesa Slopes Advisory Group and said that has not been done. She asked that Council adopt this ordinance and help to protect the watershed.

Brian Simms, operates a business at 917 Main Street, and is an architect. He said the water table is high in this area, and not just in the streams. He said this is an issue that concerns citizens. He feels the City Council should stand up and protect all citizens.

John Rizzo, 604 N. 17<sup>th</sup> Street, said humans can live without oil and gas but cannot live without water.

Carol Chowen, 2342 Rattlesnake Court, a petition circulator, said many more people wanted to sign the petition but for one reason or another they could not sign the petition. She said taking this issue to the ballot would cost money and time. She asked if the ordinance is adopted, for the Council not to weaken it. She said every word on the four pages was well thought out and she encouraged the adoption of the ordinance.

Michael Warren, 1750 N. 3<sup>rd</sup> Street, said in July 2003 this issue was before Council. He said the BLM and Forest Service do not have the ability to protect the water. He said they do not have the staff or the budget to protect the watershed. He said the federal government has little interest in local government and he encouraged more local control.

James Braden, 435 32 Road, stated that it appears that there are not enough inspectors with BLM. He feels a bill should be passed so new requirements can be brought into it. He said there is a need for more inspectors and suggested a volunteer group be formed to watch the sites and report back what they see.

Milton Long AKA "Tony", 302 Pitkin, questioned why not make the MOU into an ordinance. Council President Doody said there will be some discussion on the MOU once the public hearing is closed.

David Grossman, 575 Sunny Meadow Lane, said he was a 20 year resident of LaPlata County where he saw significant impact from the oil and gas industries. He said LaPlata County is now trying to address the damage that occurred from the drilling. He encouraged the adoption of this ordinance to protect the citizens, wildlife, and the future of this community.

There were no additional public comments. The hearing was closed at 9:32 p.m.

Council President called a recess at 9:32 p.m.

The meeting reconvened at 9:52 p.m.

City Attorney Shaver brought three items to Council's attention. He said in the title the word requiring should be changed to encouraging, page 5 subparagraph D, fifth line, the word a should be inserted before the word single, and in the same paragraph, the last full line, noxious weeks should be noxious weeds.

Councilmember Spehar questioned what else will Council need to do and the timeline. City Attorney Shaver said there will be technological changes so implementing regulations should be done fairly often or at least annually. He said Staff will develop a structure relative to the bond to figure out if that is potential damage or actual damage and other things that will require regulations. Councilmember Spehar questioned the baseline standards and monitoring. City Attorney Shaver said it will require education of the Public Works Staff and some training in the Water Services Division.

Councilmember Coons questioned the enforcement and what is the State Law requirement regarding municipalities and enforcement abilities. City Attorney Shaver said in Title 31 of the State Statutes, it gives the local municipalities the authority to act. This is the only enabling legislation that the legislation has passed that specifically talks about watersheds. He said what it says is that the City is authorized to construct waterworks and protect the same from injury, including the point of the source, up to five miles.

Council President Doody asked Public Works Director Mark Relph to display a map of the affected area.

City Attorney Shaver and Public Works Director Mark Relph described the map and pointed out the five mile marks.

City Attorney Shaver answered a question for, Mr. Long, regarding the MOU. City Attorney Shaver said Mr. Long asked if MOUs can be converted to an ordinance. City Attorney Shaver said no, those are cooperative relationship documents which require different legal processes than adopting an ordinance.

Ordinance No. 3961 – An Ordinance Establishing Watershed and Water Supply Standards; Establishing Requirements for Watershed Permits in Connection with Various Activities within said Watersheds; Prohibiting any Person from Polluting said Watersheds; and Requiring the City Council to Adopt Implementing Ordinances or Resolutions

Councilmember Coons moved to adopt Ordinance No. 3961 amending the title to be consistent with the ordinance (changing requiring to encouraging) on Second Reading and ordered it published. Councilmember Thomason seconded the motion.

Councilmember Hill said he will be voting to adopt this ordinance. He said there is a legal issue as to what the five mile marks mean. He said, as with previous consideration, the ordinance won't stop drilling, won't protect all watersheds, and won't preempt the federal government. He said the community wants every tool available and trusts that this Council will do what is right. He said the City has to trust the other organizations and work together because everyone cares about the water.

Councilmember Spehar said the City does recognize the limitations with the federal government even if the City has to pay fees to the Forest Service. He suggested having CML work with the legislature to make changes that would make it more inclusive. He said the costs should be assigned to the companies if additional testing and monitoring is needed. He said there are concerns about weakening the ordinance and said that he understands their fears, but he feels that won't be an issue. He said there are concerns of negotiating the community plan, that the plan adopted by Genesis is assignable to successors. He said this is an opportunity to be proactive with what is the community's most precious resource. He will vote for the ordinance.

Councilmember Thomason agreed. He supports passing the ordinance instead of sending it to the ballot.

Councilmember Beckstein said she did not support it previously as it might create an adversarial relationship. She concurs with Councilmember Hill and will support the adoption of this ordinance.

Council President Doody said communication is the key and the City needs to be able to talk to the BLM, United States Forest Service, and Genesis. He said WCC was able to, in a short amount of time, put together a petition with 4,200 signatures and bring it before Council to say protect the water. He said he attended a meeting and has been communicating with other Mayors from Grand Junction to Aspen regarding the affected area in Rifle. He will support the ordinance.

Councilmember Coons clarified that the motion included all the corrections as identified by City Attorney Shaver. Councilmember Thomason concurred.

Motion carried by unanimous roll call vote.

### **Set the Ballot Title on the Watershed Protection Ordinance**

In the event that the watershed protection ordinance submitted by way of a citizens initiative petition is not adopted as presented, the matter will be referred to the November 7 ballot. The resolution approves the form and title of the measure for the ballot.

This matter was deemed moot due to the adoption of the ordinance in the previous item.

### **City Council District Boundary Adjustments**

The City Council District boundaries are established through the City Charter. City Council may adjust those boundaries by Resolution as they determine appropriate. An adjustment was last discussed in December, 2004 but no action was taken due to time constraints relative to the City Council election. The matter was again discussed at a workshop in August, 2006.

Stephanie Tuin, City Clerk, reviewed this item. She presented Council with the two options that were presented at the August 14, 2006 workshop. She recommended adoption of Scenario 1.

Councilmember Hill made his own recommendation. He emphasized that the City is not required to balance the population, but feels that "At Large" compensates for that. He proposed keeping "District A" as the Redlands, "District B" would be north to the 201 boundary, north of Patterson all the way to the railroad tracks, "District C" would be the central district bounded by Patterson on the north to the railroad tracks, following the tracks to 29 Road, then north back up to Patterson, and "District D" would be the northeast district wrapping around 29 Road. His proposal based the districts on geography rather than population.

Councilmember Spehar supported Clerk Tuin's recommendation, Scenario 1.

Councilmember Thomason would also like to go with Scenario 1 however he appreciates Councilmember Hill's effort.

Councilmember Coons supports Scenario 1.

Councilmember Beckstein said she liked option 2, but could go with either one.

Council President Doody supports Scenario 1.

Resolution No. 114-06 – A Resolution Designating Voting District Boundaries in the City of Grand Junction

Councilmember Thomason moved to adopt Resolution No. 114-06, Scenario 1. Councilmember Spehar seconded the motion. Motion carried by roll call vote with Councilmember Hill voting NO.

**Amendment to the 7<sup>th</sup> Street Corridor Design Services Contract**

City Council / Downtown Development Authority approved the expansion of the 7<sup>th</sup> Street Corridor Project to reconstruct 7<sup>th</sup> Street from the south side of Grand Avenue to the north side of Ute Avenue on February 22, 2006 with DDA agreeing to provide an additional \$2,000,000 in funding. As a result of that decision the design contract with Ciavonne, Roberts and Associates must be amended to reflect the additional work.

Mark Relph, Public Works and Utilities Director, reviewed this item. He said the request is to expand the project and include additional costs for the redesign of the roundabout at Main Street to allow for floats and to save some of the trees.

Councilmember Beckstein questioned if the pedestrian crossing issue has been resolved. Mr. Relph said there have been discussions with the handicapped community and said the corridor will be designed with mid block crossing.

Councilmember Hill moved to approve \$178,144.00 of additional funding for Ciavonne, Roberts and Associates (CRA) to design the expanded 7<sup>th</sup> Street area. Councilmember Coons seconded the motion. Motion carried.

**Public Hearing – Halliburton Annexation and Zoning, Located at 3199 D Road** [File #ANX-2006-210]

Request to annex and zone 48.4 acres, located at 3199 D Road, to I-1 (Light Industrial). The Halliburton Annexation consists of 2 parcels and is a 2 part serial annexation.

The public hearing was opened at 11:05 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the location and the site. She said the current use is the field service office and service facility. She said the Future Land Use Designation is industrial, to the south are parks, across 32 Road is the Clifton Sanitation sewer ponds, to the east is residential and to the west is conservation. She described the surrounding zone districts and said the request meets the criteria of the Zoning and Development Code and the Growth Plan. Ms. Costello said the Planning Commission recommends approval.

Larry Kent, 991 21 Road, Fruita, representing the applicant Halliburton, was present. He explained the need for the annexation to add facilities to the property to house equipment and for storage.

There were no public comments.

The public hearing was closed at 11:11 p.m.

**a. Accepting Petition**

Resolution No. 115-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Halliburton Annexation, Located at 3199 D Road Including Portions of the D Road and 32 Road Rights-of-Way is Eligible for Annexation

**b. Annexation Ordinances**

Ordinance No. 3962 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Halliburton Annexation #1, Approximately 0.29 Acres, Located at 3199 D Road

Ordinance No. 3963 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Halliburton Annexation #2, Approximately 48.11 Acres, Located at 3199 D Road Including Portions of the D Road and 32 Road Rights-of-Way

**c. Zoning Ordinance**

Ordinance No. 3964 – An Ordinance Zoning the Halliburton Annexation to I-1, Located at 3199 D Road

Councilmember Hill moved to adopt Resolution No. 115-06 and Ordinance Nos. 3962, 3963, and 3964 on Second Reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing – Central Grand Valley Sanitation District (CGVSD) Annexation and Zoning, Located at 541 Hoover Drive [File #ANX-2006-175]**

Request to annex and zone 0.94 acres, located at 541 Hoover Drive, to C-1 (Light Commercial). The Central Grand Valley Sanitation District (CGVSD) Annexation consists of 1 parcel.

The public hearing was opened at 11:12 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the location, the site and current use, the Future Land Use Designation, and the surrounding land use designations. She identified the requested zoning and the zoning for the surrounding properties. She said Staff finds that the request meets the criteria of the Zoning and Development Code and the criteria of the Growth Plan. Ms. Costello said the Planning Commission recommends approval.

Thomas W. Sylvester, 925 20 Road, Fruita, the applicant, was present. He said a neighbor to the south wants to do a boundary line adjustment and said that requires an annexation.

There were no public comments.

The public hearing was closed at 11:16 p.m.

**a. Accepting Petition**

Resolution No. 116-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the CGVSD Annexation, Located at 541 Hoover Drive is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3965 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, CGVSD Annexation Approximately 0.94 Acres, Located at 541 Hoover Drive

**c. Zoning Ordinance**

Ordinance No. 3966 – An Ordinance Zoning the CGVSD Annexation to C-1, Located at 541 Hoover Drive

Councilmember Spehar moved to adopt Resolution No. 116-06 and Ordinance Nos. 3965 and 3966 on Second Reading and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Public Hearing – Burkey Park II Annexation and Zoning, Located at 179 28 ½ Road**  
[File #ANX-2006-179]

Request to annex and zone 9.68 acres, located at 179 28 ½ Road, to CSR (Community Services and Recreation). The Burkey Park II Annexation consists of 1 parcel.

The public hearing was opened at 11:18 p.m.



Adam Olsen, Associate Planner, reviewed this item. He described the location, the site, the current use, the Future Land Use Designation and the surrounding land use designations. He identified the requested zoning and the zoning for the surrounding properties. He said Staff finds that the request meets the criteria of the Zoning and Development Code and the criteria of the Growth Plan. Mr. Olsen said the Planning Commission recommends approval.

The applicant is the City.

There were no public comments.

The public hearing was closed at 11:20 p.m.

**a. Accepting Petition**

Resolution No. 117-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Burkey Park II Annexation, Located at 179 28 ½ Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3967 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Burkey Park II Annexation, Approximately 9.68 Acres, Located at 179 28 ½ Road

**c. Zoning Ordinance**

Ordinance No. 3968 – An Ordinance Zoning the Burkey Park II Annexation to CSR, Located at 179 28 ½ Road

Councilmember Thomason moved to adopt Resolution No. 117-06 and Ordinance Nos. 3967 and 3968 on Second Reading and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Non-Scheduled Citizens & Visitors**

James Braden, 435 32 Road, Clifton, discussed the area around the overpass by Sam's and WalMart. He thought there would be grass planted which would make it look nice instead of dried out weeds. He said that he doesn't know who is responsible but trash is accumulating in this area and feels this gives a bad impression for entrance into the City.

Councilmember Hill noted that area is on the Gateway Committee's list, but is not the next priority and said it is the property of the Colorado Department of Transportation (CDOT).

**Other Business**

There was none.

**Adjournment**

The meeting adjourned at 11:29 p.m.

Stephanie Tuin, MMC  
City Clerk

To the Grand Junction City Council:

This letter is in support of NO oil or gas drilling in the Palisade, Grand Jctn., Municipal potable watershed.

My experience with the oil and gas drilling industry is they are a crude, careless, clumsy industry at best and cannot be trusted in environmentally sensitive areas.

To prove that contamination has occurred by drilling or production companies is a long drawn out expensive process. Therefore it is vitally important municipalities, private individuals and water companies obtain data of the purity of surface and sub-water. Trace contaminants, if any, should be noted and recorded at the county court house.

Purity of water quality should be done years in advance prior to drilling into high pressure zones which are common to sulfur, brine and petroleum zones.

It should be noted that data collected of water quality be submitted by a reliable, private engineering firm, one not in the employ of petroleum industry. It is our opinion the Mesa County Commissioners and the Town Councils of Palisade and Grand Jctn., go on record to having a no well flaring policy in Mesa County. The technology of cleaning a pay zone for production does exist. There is no worldly reason for oil production companies to squander millions of cubic feet of natural gas by the foolishness of flaring.

Sincerely yours,

*Sept 6 2006*  
*Floyd Schneider*  
Floyd Schneider

*Shirley J. Schneider*  
Shirley J. Schneider

<http://www.washingtonpost.com/wp-dyn/content/article/2006/08/31/AR2006083101482.html>

## **Neglected Vows Cited At BLM**

*Agency Was to Monitor Impact of Wyo. Drilling*

By Blaine Harden  
Washington Post Staff Writer  
Friday, September 1, 2006; A03

The Bureau of Land Management has neglected its public commitments to monitor and limit harm to wildlife and air quality from natural gas drilling in western Wyoming, according to an internal BLM assessment.

In the Pinedale, Wyo., field office of the BLM, which oversees one of the most productive and profitable gas fields on public land in the West, there is often "no evaluation, analysis or compiling" of data tracking the environmental consequences of drilling, according to the document, which was written in May and which BLM officials confirm is genuine.

The BLM in Pinedale has failed for six years to honor its commitments to track pollution that affects air quality and lake acidification in nearby wilderness areas, the document says.

In the years that the agency was not tracking emissions, the level of nitrous oxides in the Pinedale area exceeded limits that the BLM had publicly agreed might have an "adverse impact" on air quality, according to the internal assessment.

Nitrous oxides, from gas-field engine exhaust and the burning of waste gas, are a primary cause of the ground-level ozone that has reduced air quality in the high sage plains of western Wyoming, a region that until recently had one of the most pristine airsheds in the West.

The BLM, which has presided over a large increase in energy drilling across the Rockies, agreed after a long public hearing process to "limit surface disturbance and human activity" that could displace deer, antelopes and sage grouse in the Pinedale area, winter home to some of the nation's largest migratory herds of deer and antelopes and one of the few places in the West with a vibrant population of nesting sage grouse.

But the document says that recent studies show that deer and sage grouse have declined because of "the impacts of human activity" associated with drilling.

Earlier this year, Steve Belinda, a wildlife biologist in the Pinedale office of the BLM, quit his job because he said that he and other wildlife specialists were required to spend nearly all their time working in the office on requests for more drilling and could not go into the field to study the effect on wildlife of the thousands of gas wells.

The leaked BLM document was not intended for public distribution. It was prepared this spring to brief Dennis Stenger, the incoming field office manager in Pinedale.

"It is stuff to kick us in the side to take a look at some of our requirements," Stenger said in an interview. He added that he had asked for the assessment to help him understand what needed to be done.

Since 1994, the BLM has agreed to 824 separate commitments as part of the public approval process for drilling around Pinedale, BLM spokesman Steven Hall said. He said that 90 percent of the commitments have been met or were on schedule for completion.

"We are not always going to be perfect," he said, adding that the agency now has "to look at whether all the commitments in various documents are even doable."

Critics of the BLM said that the leaked document is not much of a revelation — except in the agency's willingness to put its failures on paper.

"The facts are no surprise whatsoever," said Bruce Pendery, a program director of the Wyoming Outdoor Council, an environmental group based in Lander, Wyo. "What is new is that, instead of us grumbling about the BLM not doing what it said it would do, the agency itself is acknowledging that this is the case."

Many national environmental groups have complained about the BLM's accelerating pace in issuing new drilling permits. Executives with oil and gas companies say the industry cannot keep up with the permits already issued. In the past two years, the BLM issued a record 13,070 drilling permits on federal land, but the industry drilled just 5,844 wells.

"While the leaked report shines light on the agency's failure in one specific place, we fear that it is emblematic of its handling of energy leasing and development throughout the West," said James D. Range, chairman of the Theodore Roosevelt Conservation Partnership, a Washington-based group focused on the protection of hunting and fishing on public land.

Interior Secretary Dirk Kempthorne, who toured the Pinedale gas fields last week, told local reporters he was "impressed" with how companies there were working in a way that is "compatible with the environment."

But state officials in Wyoming have been complaining for years about how demands from Washington to speed up drilling is hurting the state's wildlife and causing long-term environmental damage.

The state's planning coordinator, Mary Flanderka, said BLM field offices in Wyoming are under extraordinary pressure to honor environmental commitments while, at the same time, dealing with orders from Washington to rush forward on energy extraction.

"There is not enough money or manpower to get the job done," she said.