

**GRAND JUNCTION CITY COUNCIL  
WORKSHOP AGENDA**

**MONDAY, MARCH 31, 2003, 7:00 P.M.  
CITY HALL AUDITORIUM, 250 N. 5<sup>TH</sup> STREET**

**MAYOR'S INTRODUCTION AND WELCOME**

**7:00 COUNCILMEMBER REPORTS**

**7:10 REVIEW FUTURE WORKSHOP AGENDAS** [Attach W-1](#)

**7:15 REVIEW WEDNESDAY COUNCIL AGENDA**

**7:25 CITY MANAGER'S REPORT** [Attach W-2](#)

**7:30 STRATEGIC PLAN REVIEW & UPDATE** [Attach W-3](#)

**7:45 PROCESS FOR POSSIBLE SMOKING ORDINANCE:** City Attorney Dan Wilson will describe options on how to proceed with this issue.

[Attach W-4](#)

**8:05 ANNUAL UPDATE WITH WATER ATTORNEY JIM LOCHEAD**

**8:45 DROUGHT RESPONSE PLAN:** Presentation and discussion of combined draft Drought Response Plan of the City, Ute Water Conservancy District, Clifton Water District and Town of Palisade.

[Attach W-5](#)

**9:30 WATERSHED PROTECTION ORDINANCE:** Discussion of this item which is on the agenda for Wednesday's meeting.

[Attach 19](#)

**10:00 ADJOURN**

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

**Attach W-1  
Future Workshop Agenda**

# ***CITY COUNCIL WORKSHOP AGENDAS***

**APRIL 14, MONDAY 7:00 PM:**

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA & REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 ASSOCIATED BUILDERS AND CONTRACTORS OF WESTERN COLORADO: Chairman Randy VanConett, Tim Blanchard and Toby Cummings
- 8:05 FIRE STATION #5 UPDATE

**MAY 5, MONDAY 7:00 PM:**

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA & REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 STRATEGIC PLAN UPDATE
- 7:50 CDOT's 1601 PROCESS
- 8:15 CITY COUNCIL ASSIGNMENTS

**MAY 19, MONDAY 7:00 PM:**

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA & REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 OPEN

**JUNE 2, MONDAY 7:00 PM:**

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA & REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 STRATEGIC PLAN UPDATE

**JUNE 16, MONDAY 7:00 PM:**

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA & REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 OPEN

## **FUTURE WORKSHOP ITEMS**

- 1. REGIONAL IMPACT FEES:** Tom Fisher, Director of the Regional Transportation Planning Office, would like to schedule a time to meet with Council for a presentation and discussion of regional impact fees.
- 2. DISCUSSION OF TRANSIENTS ISSUE**

**Attach W-2  
Riverside Parkway Update  
Memorandum**

Date: March 4, 2003

To: Mark Relph

From: Tim Moore

RE: Riverside Parkway Update

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On December 16, 2002, City Council reviewed the Design Action Committee's (DAC) recommendation to construct the Riverside Parkway over 5<sup>th</sup> Street (U S Highway 50) and over the railroad tracks at Noland Ave. Council reviewed the various alignment alternatives, but expressed concern about the Interchange Approval Process (PD 1601) and the involvement of FHWA and CDOT in this local decision. Ultimately Council directed staff to work with CDOT officials to clearly define CDOT's scope of involvement with the project at Noland Ave. before formally beginning the review process. Council also suggested that this issue should be resolved before the DAC proceeded with developing the road alignment through the lower downtown area.

During the month of January, staff completed the Riverside Parkway Design Report. The Report was developed as part of the process to outline the activities conducted over the past 24 months and explain the City's preferred configuration of the Riverside Parkway interchange at Noland Ave. On January 30<sup>th</sup>, Kelly Arnold and Mark Relph presented this report to CDOT staff and discussed the issue of CDOT/FHWA involvement.

CDOT staff indicated they would review the report and work with FHWA staff to clearly define their scope of involvement and outline the necessary steps in the process to construct the interchange at Noland Ave. A recent update on CDOT's progress indicates the review is taking longer than expected. A field inspection of the site with FHWA, CDOT and City staff is now scheduled for April 1<sup>st</sup> and their final review should be complete by mid-April. Once this review is complete, Owen Leonard (CDOT Region 3 Transportation Director) and Doug Aden (State Transportation Commissioner) plan to discuss their conclusions with Council at an upcoming workshop. Based on CDOT's current progress, this meeting will likely be at one of the May workshops.

Once this issue is resolved, the next steps will likely include more design work at 5<sup>th</sup> Street and additional environmental reviews by State and Federal agencies It

is also likely Council will ask the DAC to recommend a roadway location between 7<sup>th</sup> Street and D Road through the lower downtown area.

**Attach W-3  
Strategic Plan**

The Strategic Plan Update  
is in the  
March Section  
of your Strategic Plan book

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**M  
E  
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O**

**To: Mayor and City Council**

**From:** David Varley

**CC:** Kelly Arnold, City Manager

**Date:** December 16, 2011

**Re:** March Strategic Plan Progress Report

(for discussion at City Council Workshop on 31 March 2003)

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The Council's recently adopted Strategic Plan has 76 Action Steps, most of which are to be accomplished during 2003. To help us track all these Action Steps and make sure they are completed, we will provide a written progress report every month. Attached to this memo is the report for the month of March which will be discussed at the City Council workshop on 31 March 2003.

For this report each of the Solutions has been printed on a different color of paper. If you find this helpful for identifying the different solutions then we will continue to use this system in the future.

The progress for each Action Step and any requested Council action is listed immediately under each Action Step. Also, all the related reports and memos for this month are attached together at the back, behind the last Solution.

GRAND JUNCTION CITY COUNCIL  
STRATEGIC PLAN 2002 – 2012

MONTHLY PROGRESS REPORT  
March 2003



Solution

**A BALANCE OF CHARACTER,  
ECONOMY AND ENVIRONMENT**

**Action Step 1.D:** *Use information from Action Steps 1.A to 1.C to develop options for funding and City participation in economic development efforts. (March 2003)*

Progress: Development of the funding and participation options depends on information from Steps 1.A, 1.B and 1.C. Action Step 1.C deals with a new infill/redevelopment policy and this policy has not yet been adopted by the City Council. Completion of this Action Step will, therefore, be delayed a couple of months and will occur after the adoption of the new infill/redevelopment policy. To date there has been no action from the parties to the consultant's report regarding the City's role in economic development.

**Action Step 3.A:** *City Council adopts Growth Plan Update. (March 2003)*

Progress: The Growth Plan Update is scheduled for City Council hearings on March 26, and April 9. It is anticipated that formal adoption could occur at the meeting on April 9.

**Action Step 5.A:** *Complete internal community policing training. (March 2003)*

Progress: Last September the Police Department brought in an instructor, Captain Karen Duffala (Ret.), from the Colorado Regional Community Policing Institute to provide Community Policing Training to all employees. This was a four hour block of instruction which was devoted to community policing and problem solving.

In conjunction with this training the command staff of the Police Department delivered four hours of "roll-out" training on the Mission, Motto, Core Values, and Guiding Philosophies for the Police Department. This training was the result of a Command Staff Retreat



during which three days were devoted to exploring and developing the information. This provided the framework for the Police Department's Mission in Community Policing for the future. This information was then 'Rolled Out' (presented) and discussed with every employee of the Police Department and the Communications Center during the Community Policing Training. This presentation is also given to all new employees during their training phase. All Police employees have received Community Policing training and this Action Step is **completed**.

**Action Step 8.A:** *Develop a drought management plan.* (March 2003)

Progress: This item will be presented to the City Council at the workshop on 31 March 2003. Information for this item is **under separate cover** for workshop presentation.

GRAND JUNCTION CITY COUNCIL  
STRATEGIC PLAN 2002 – 2012

MONTHLY PROGRESS REPORT  
March 2003



Solution

EFFICIENT TRANSPORTATION

**Action Step 13.A:** *Based on the Growth Plan, calculate build out for the entire 201 area. (March 2003)*

**Action Step 13.B:** *Update the Master Road Plan, calculate build out for the entire 201 area. (July 2003)*

**Action Step 13.C:** *Prioritize projects on the new 30 year plan to add to the 15 year Capital Improvement Plan including coordination with areas of “Redevelopment Designation”. (September 2003)*

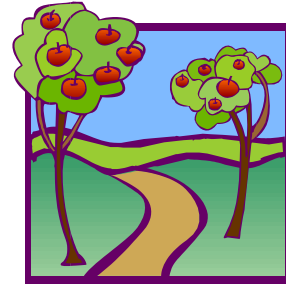
**Progress:** Completion of these three Action Steps will depend on a work program involving City staff and the Regional Transportation Planning Office (RTPO). The schedule for this work program is different from the original dates set for these Action Steps. Therefore, it is recommended that the completion dates for these three Action Steps be changed to coincide with the schedule for the work program. Please see the **attached memo (page 9)** for more detail.

**Action Step 15.A:** *Assess and recommend funding options to accelerate road construction. (March 2003)*

**Progress:** Funding options for the Riverside Parkway project were presented at the Council workshop on 16 December 2002. The options are basically the same for accelerating construction of other major road projects. This item was not fully discussed, however, as much of the time was spent dealing with the State’s 1601 review process. Therefore, this report is being presented again as the basis of discussion for road construction funding options. **A copy of this report is attached (page 13).**

GRAND JUNCTION CITY COUNCIL  
STRATEGIC PLAN 2002 – 2012

MONTHLY PROGRESS REPORT  
March 2003



Solution

OPEN AND BEAUTIFUL SPACES

**Action Step 18.B:** *The work team will identify and prioritize locations for entrances and gateways. (March 2003)*

Progress: This item was discussed by the work team at their meeting on 18 February 2003. At this meeting the team developed three levels of priority and some interim objectives. The priority levels are 1) Main Entrance Locations; 2) Gateway Locations; and 3) Street Landscaped Areas. For more detail please review the meeting minutes which are attached (page 24). This project is now **completed**.

GRAND JUNCTION CITY COUNCIL  
STRATEGIC PLAN 2002 – 2012

MONTHLY PROGRESS REPORT  
March 2003



Solution

RESPONSIBLE YOUNG CITIZENS

**Action Step 27.A:** *Acquire information to inventory existing youth programs being offered by groups such as Build A Generation, School District 51, County Health & Human Services, etc. (March 2003)*

**Progress:** The Police Department has been gathering information regarding youth programs that are currently being offered in the community. This information or inventory of existing programs will now be reviewed and the City's role will be evaluated. This work will occur under Action Step 28.A.

**Action Step 29.A:** *Working with School District staff and youth review different models of youth councils and develop a report on what can be accomplished with each one. (March 2003)*

**Progress:** This group has met several times to work on this Action Step. The latest meeting was held on 7 March 2003. At this meeting some of the youth working on this project along with their adult leaders met with three members of the City Council. Council Members presented their views about this Strategic Plan item and what outcomes they would like to see. They also expressed their support for the youth and the work they are doing. The youth have set a goal of late March or early April to have their next meeting with City staff. This project has been turned over to this youth committee. They are doing research on various models of youth councils and will come back with a recommended approach which will be presented to the City Council. Their work may not be completed until April or May.

GRAND JUNCTION CITY COUNCIL  
STRATEGIC PLAN 2002 – 2012

MONTHLY PROGRESS REPORT  
March 2003



Solution

SHELTER AND HOUSING THAT  
ARE ADEQUATE

**Action Step 32.A:** *Schedule the infill/redevelopment policy for final review and adoption by City Council as part of the Action Plan for the Growth Plan Update. (March 2003)*

Progress: The infill/redevelopment policies will be adopted as part of the Growth Plan Update which is scheduled for adoption at the City Council meeting on April 9.

GRAND JUNCTION CITY COUNCIL  
STRATEGIC PLAN 2002 – 2012

MONTHLY PROGRESS REPORT  
March 2003



*Solution*

**VITAL NEIGHBORHOODS**

There are no Action Steps to be completed this month for this Solution.

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>						
<b>Subject</b>		Funding Scenario's for Riverside Parkway				
<b>Meeting Date</b>		December 16, 2002				
<b>Date Prepared</b>		December 10, 2002			File #	
<b>Author</b>		Tim Moore		<b>Public Works Manager</b>		
<b>Presenter Name</b>		Ron Lappi and Mark Relph		<b>Administrative Services Director &amp; Public Works &amp; Utility Director</b>		
<b>Report results back to Council</b>		<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
<b>Citizen Presentation</b>		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name
<b>X</b>	Workshop	<input type="checkbox"/>	<b>Formal Agenda</b>		<input type="checkbox"/>	Consent
		<input type="checkbox"/>				<b>Individual Consideration</b>

**Summary:**

Staff will discuss various options to fund the construction of the Riverside Parkway. Council will review several financial plans that include the option to debt finance this project. Preliminary financial modeling indicates debt financing the project could allow construction to be completed 14 years earlier at a cost equal to paying cash for the project.

**Budget:**

Varies depending on Council direction

**Action Requested/Recommendation:**

No action is requested at this meeting.

**Attachments:**

1. Graph showing debt as a % of total CIP
2. Sales Tax CIP Fund – Expenditures by type 1988 to 2001
3. Sales Tax CIP Fund by type excluding Canyon View Park 1989 to 2001
4. Sales Tax CIP Fund by type 2001 to 2011

**Background Information:**

Over the last three years the City, Mesa County and Colorado Department of Transportation (CDOT) have conducted various traffic studies to determine how

best to move traffic in and around the city. When the results and recommendations of the studies were combined and evaluated, it was seen that the transportation corridors identified in the separate studies could be integrated into a loop around the downtown area with a few short connections. The studies also identified the need to construct grade separated crossings at major intersections including 5<sup>th</sup> Street, U.S. 340 and 25 Road.

Several segments of this loop including 29 Road, 24 Road and a section of the Riverside Parkway are currently included in Grand Junction's and Mesa County's Capital Improvement Programs. However, some significant portions of the Riverside Parkway including the necessary grade separated crossings are not included in the City's long range financial plan. As a result, staff has identified a number of funding alternatives to complete this significant project.

### **Funding Alternatives**

1. Pay cash for the Riverside Parkway and plan to construct the project in small segments over a 20 year time period. The total estimated project cost over the 20 year period is \$109 million. Currently, the City's CIP includes \$10.5 million for this project.
2. Plan to debt finance the project by selling bonds and repay the bonds over a 20 year period. The total estimated cost over the 20 year period is \$108 Million  
This option would allow the project to be completed 14 years sooner than the cash alternative at roughly the same cost.
3. Plan to debt finance the project by selling bonds and repay the bonds over a 20 year period **and** apply \$8.4 million of CDOT funds to the total project cost. The total estimated project cost over the 20 year period is \$99.5 million. This option will require further Council discussion regarding the projects and their priority that are currently included in the State Transportation Improvements Program's "other regional priorities".

### **Impacts to Public Works 10 year CIP**

Staff has evaluated the impact that debt financing the Riverside Parkway may have on the current 10-year CIP. If the total cost of the project is debt financed, and if the practice of transferring approximately \$2 million dollars from the General Fund to the Sales Tax CIP Fund is continued, the impact appears to be minimal. In year 2011, with the addition of a debt service payment, Public Works would have funding to complete approximately 87% of the projects currently listed in the 10-year plan. Assuming two significant projects were rescheduled to be completed in years 2012 – 2013, 100% of the projects listed in the 10-year CIP would be completed by 2013.



Council's Transportation Sub-Committee has met several times and discussed the advantages and disadvantages of debt financing the Riverside Parkway. From these meetings, the following pro/con statements were developed:

### **Pro/Con Statements Regarding Debt Financing**

#### **Pros**

- Allows the transportation system to “catch up” to previous growth.
- Takes advantage of the currently very low interest rates – 4 ½ % based upon a 20 year full faith and credit General Obligation Bond.
- Avoids future construction inflation costs projected at 6% for next 20 years and as a result, allows what would be a \$108,000,000 project to be completed for \$80,000,000.
- Will be a major step toward accomplishing the City Council priority Strategic Direction #3.
- Shortens the timeframe for those overall improvements by 14 years and allows the Riverside Parkway and 29 Road corridors to be completed at about the same time (2010)..
- The completion of the corridors could provide an economic stimulus to the south downtown infill and redevelopment effort currently being discussed.
- The annual impact on the Sales Tax CIP to either cash flow or bond for the Riverside Parkway are about the same however, bonding allows this much needed project to be completed 14 years earlier.
- The actual impact on the Sales Tax CIP Fund from cash funding verse debt financing is the same over 20 years.

#### **Cons**

- Requires voter approval and may not be approved.
- Commits a significant portion of the Sales Tax CIP whether cash flow or debt financed.
- Future developments along the corridors would not necessarily pay their fair share of the infrastructure improvements that are already built.

### **Issues Raised in Past Discussions**

**1. If the project is constructed with bond proceeds and completed in 6 years, in addition to debt service, for the next 14 years there will also be maintenance costs for that new road system. What would those costs be?**

*Staff Response* - This question is difficult to answer. If a new corridor is added to the system, the impacts to other roadways may be reduced because traffic volumes decrease. This reduction in traffic relates to maintenance savings. Overall, it is estimated that the addition of the Riverside Parkway will increase maintenance costs by approximately \$45,000 annually or \$630,000 over the 14 year period. This assumes the entire roadway is overlaid within the 14 year period. The City's portion of the States Highway Users Fund will

increase by approximately \$61,500 per year based on the addition of new lane miles to our street system.

**2. Would we bond for the entire amount of the project at one time or spread the incoming bond proceeds over several years?**

*Staff Response* - The voters would be asked to approve a single authorization allowing the City to issue bonds in series. There would probably be two series issued that when combined would have a twenty-year maturity and equal annual debt service payments.

**3. What percent of the CIP does the debt service represent? How does that change over time?**

*Staff Response* – (See attached graph) Debt service would represent an estimated 23% of the total CIP over the twenty-year period. Depending upon the \$8.4 million revenue from CDOT, the percentage would range from 45%, or 43%, to 15% and 13%, respectively. This assumes 5% annual growth in the CIP from 2012 thru 2023 and additional transfers from the General Fund beginning in 2005. The transfer amounts are assumed to be \$1million in 2005 increasing \$500K a year thru 2023, totaling \$104.5 million.

**4. What impact does the addition of the CDOT \$8.4 million have on the debt service amount?**

*Staff Response* - The \$8.4 million CDOT revenue equates to \$447K in annual debt service for a total of \$9 million.

**5. What effect does an inflation rate less than 6% have on the comparison -**

*Staff Response* - An inflation rate of 5% as suggested by some of Councilchanges the debt financing scenario from a positive \$1 million to a negative \$6 million. Assuming an interest rate of 4.5%, the breakeven rate for inflation is 5.8%. Using 5%, the \$6 million cost to complete the project 14 years earlier represents 1.3% of the estimated \$460 million CIP over the next 20 years.

**6. Currently the CIP has about \$10 Million allocated to the project. What effect does reducing the total amount bonded for by the \$10 million?**

*Staff Response* - If the \$10 million budgeted for this project was available in one year, particularly in 2003 or 2004, that money could be applied to reduce the size of the bond issue. However that is not the case, the \$10 million is available in the years 2004 thru 2007. Unfortunately there are not enough resources in the CIP Fund to spend the \$10 million on this project in the same years we are making bond payments. In fact, when you add all the components of the project currently budgeted in the CIP, the total is \$14 million spread out thru 2011. As much as we would like to use the monies spread throughout the CIP to reduce the size of the bond issue, those monies are needed to pay debt service in those years while we are spending \$80 million between 2004 and 2009 to complete the project.

**7. What is the greatest risk in bonding for the project. We discussed a sharp economic downturn causing our base under labor to be reduced.**

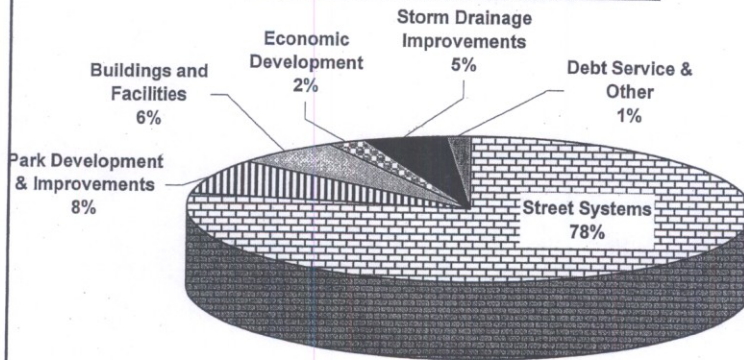
*Staff Response* - Although highly unlikely, the worst case scenario would be a sharp economic downturn that resulted in zero growth in CIP resources for the entire 20 year period. In that case, debt service would represent 45% of the CIP for twenty years and would severely impact the ability to fund other projects. To the extent that we average 5% growth over the twenty years, periodic downturns may require short-term adjustments to the capital plan but would not substantially affect the long-term plan. The further out in the 20 year period a downturn occurs, the less the impact fixed debt service costs have on the capital plan.

**8. What would an overview of the historic portion of the CIP allocated to Parks look like? Specifically before the development of Canyon View Park.**

*Staff Response* - Historically, from 1988 thru 2001, park improvements have averaged 13% of the Sales Tax CIP Fund capital expenditures. Adjusting for Canyon View Park the average = 8%.

## Sales Tax CIP Fund

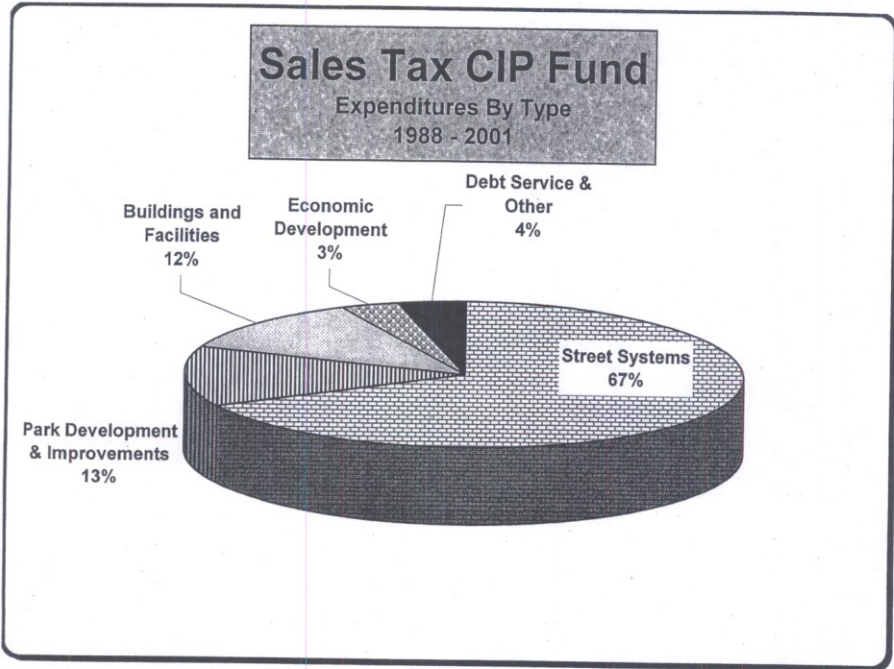
Expenditures By Type  
2001 - 2011



### USES (2001 - 2011)

Street Systems	\$	104.2	78%
Park Development & Improvements	\$	10.3	8%
Buildings and Facilities	\$	8.2	6%
Economic Development	\$	3.3	2%
Storm Drainage Improvements	\$	6.1	5%
Debt Service & Other	\$	1.9	1%
<b>Total</b>	<b>\$</b>	<b>134.0</b>	<b>100%</b>

3/4 Cent Sales Tax Revenue      \$      113.1  
Percent of Total Uses              84%



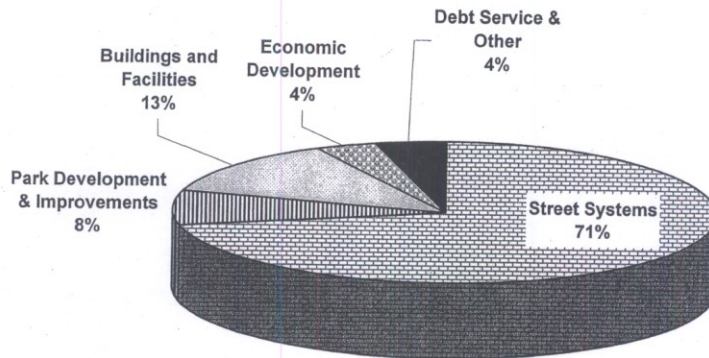
<b>USES (1988 - 2001)</b>			
Street Systems	\$	81.5	67%
Park Development & Improvements	\$	16.2	13%
Buildings and Facilities	\$	14.8	12%
Economic Development	\$	4.2	3%
Debt Service & Other	\$	4.6	4%
<b>Total</b>	<b>\$</b>	<b>121.4</b>	<b>100%</b>

3/4 Cent Sales Tax Revenue	\$	61.8
Percent of Total Uses		51%

Other funding sources include; General Fund transfers, state and federal grants, interest income, and cost sharing agreements.

## Sales Tax CIP Fund

Expenditures By Type  
 Excluding Canyon View Park  
 1988 - 2001



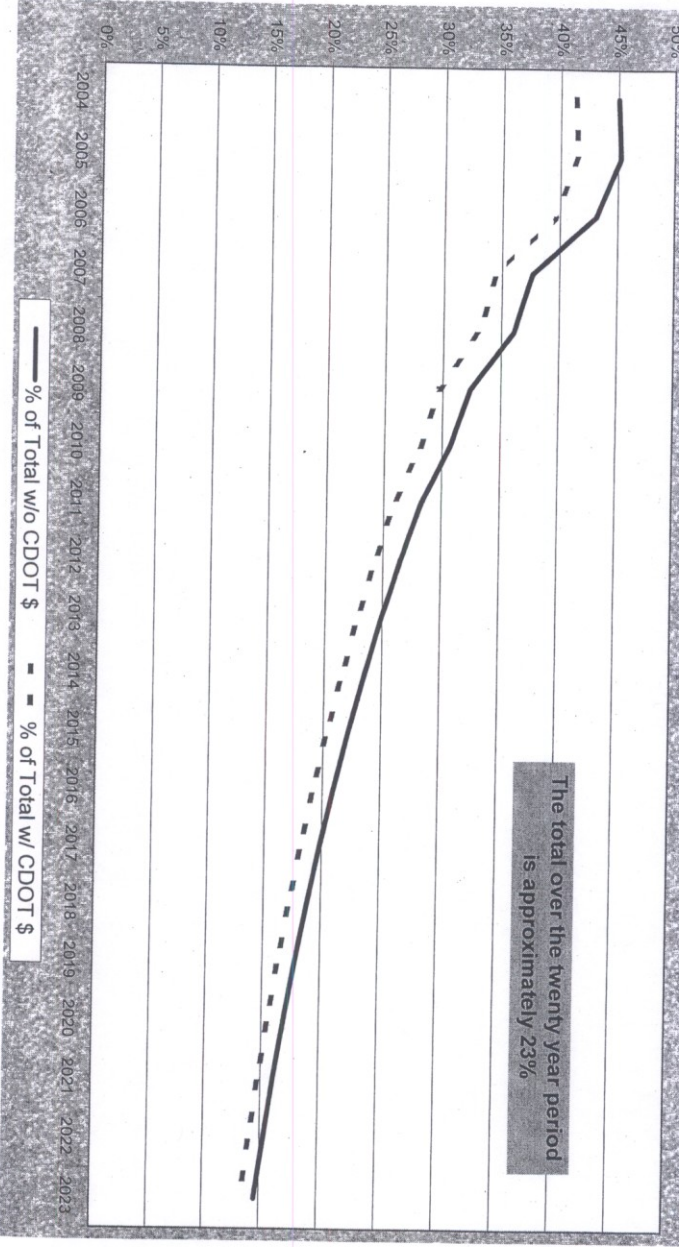
<b>USES (1988 - 2001)</b>	<b>Total</b>	<b>% Total</b>
Street Systems	\$ 81.5	71%
Park Development & Improvements	\$ 9.2	8%
Buildings and Facilities	\$ 14.8	13%
Economic Development	\$ 4.2	4%
Debt Service & Other	\$ 4.6	4%
<b>Total</b>	<b>\$ 114.4</b>	<b>100%</b>



### Debt As A % of Total CIP

Assumptions:

(1) 5% Growth in Total CIP from 2012-2023  
(2) Addtl. Xtr from the General Fund beginning in 2005, \$1M + \$500K Annually





**TO:** Mayor and City Council  
Kelly Arnold, City Manager

**FROM:** Bob Blanchard, Community Development Director  
Mark Relph, Public Works and Utilities Director

**DATE:** March 17, 2003

**SUBJECT:** Strategic Plan Objective 13, Actions A, B and C

This memorandum recommends changing the due dates for Action Items 13 A, B and C of the Strategic Plan based on the development of a work program including City staff as well as staff from the Regional Transportation Planning Office (RTPO).

Objective 13 of the Strategic Plan requires the development of a 30 year transportation right of way plan. In order to accomplish this, three action items were established:

- A. Based on the Growth Plan, calculate build out for the entire 201 area (Due March, 2003)
- B. Update the Master Road Plan including corridors and right of way needs (Due July, 2003)
- C. Prioritize projects on the new 30 year plan to add to the 15-year Capital Improvement Plan including coordination with areas of "Redevelopment Designation." (Due September, 2003)

After the initial meeting with staff of the Community Development Department, Public Works and Utilities Department and the RTPO, staff prepared the attached work schedule. As noted, the anticipated due dates for the first two action items are April, 2003 and March, 2004. The actual prioritization of the capital road programs would occur sometime after that.

Based on this information, we recommend that the dates for each of the three action items be changed to reflect a more realistic schedule based on the attached information.

cc: David Varley, Assistant City Manager  
Tom Fisher, RTPO  
Dave Thornton, Principle Planner



## STRATEGIC PLAN

**Objective 13** Develop a 30-year transportation right-of-way plan. (2 years)

### Actions

- A) Based on the Growth Plan, calculate build out for the entire 201 area.
- B) Update the Master Road Plan including corridors and right-of-way needs.
- C) Prioritize projects on the new 30 year plan to add to the 15-year Capital Improvement Plan including coordination with areas of "Redevelopment Designation".

### BACKGROUND

Updating the Master Road Plan requires that City Planning and Engineering staff work with the Regional Transportation Planning Office (RTPO) along with the Mesa County Long Range Planning Office and Fruita Community Development Department to provide the input data necessary for the RTPO's traffic modeling software.

The traffic modeling programs used by the RTPO divides the urban area into TAZ's (Refer to Exhibit 1 for the *Traffic Analysis Zone* map). The primary input data required is future year population, households, retail employment and total employment spatially distributed by Traffic Analysis Zone (TAZ). (SEE ACTION A)

In addition to calculating the population and employment data within the Persigo 201 area, the modeling software must also account for traffic coming into the 201 area from outside the Grand Junction Urban area. To that end, future population and employment in these areas must also be calculated.

The Fruita area has been divided into approximately 40 TAZ's and the Whitewater and Palisade areas will be considered as external zones showing only a total number of vehicles coming to and from those areas.

As a result of the work required to develop the input data, the following work schedule has been developed.

### PROPOSED CALENDAR

STEP 1	Feb – April 2003	RTPO staff needs three months to calibrate and validate using the 2000 Census, the traffic model. During this time period, City, County, and Fruita planning staffs will calculate build-
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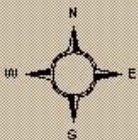
out for population and employment for all TAZ's. Completes Objective 13 Action A.

- |        |                  |   |
|--------|------------------|---|
| STEP 2 | May 2003         | RTPO staff will input build-out data into the traffic model and produce a preliminary map of the existing and committed street networks maps. |
| STEP 3 | June - Aug 2003  | RTPO staff will test data, run various scenarios and alternative analysis for the Master Road Plan maps.                                      |
| STEP 4 | September 2003   | Multiple scenarios will be presented to City Council by staff.  |
| STEP 5 | Oct 03 to Mar 04 | Take Master Road Plan through a public process. <u>Completes Objective 13 Action B</u>  |
| STEP 6 | April 2004 - ?   | Prioritize 30-year Master Road Plan to add to the 15-year Capital Improvement Plan. <u>Completes Objective 13 Action C</u>                    |

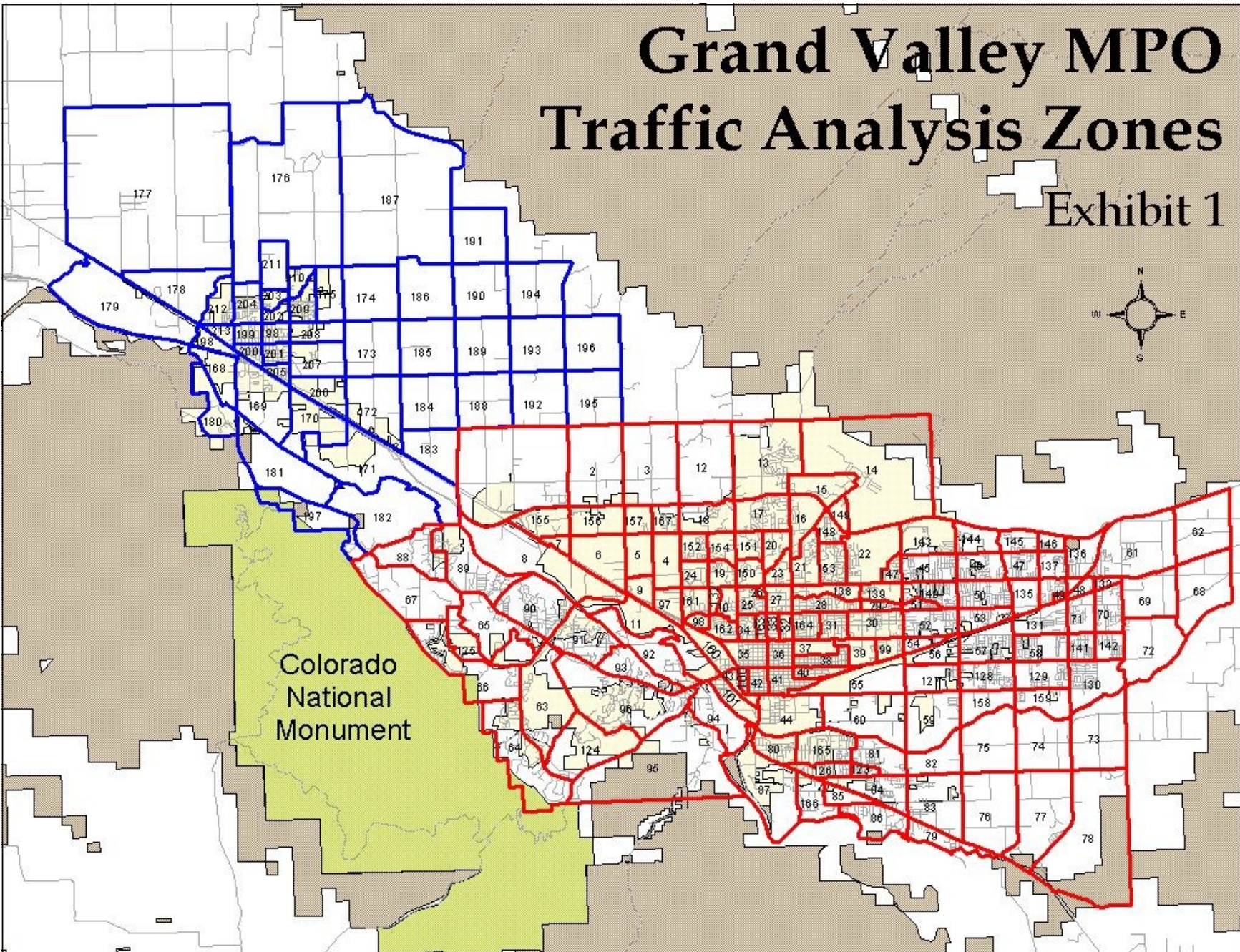


# Grand Valley MPO Traffic Analysis Zones

Exhibit 1



Colorado  
National  
Monument





## MEMORANDUM

To: Janet Terry, City Council  
Harry Butler, City Council  
David Varley, Assistant City Manager  
Debbie Kovilak, Visitors & Convention Bureau  
Kathy Portner, Community Development  
Terry Franklin, Water Resources  
Shawn Cooper, Park & Recreation

From: Mike McDill, City Engineer

Date: March 10, 2003

**RE: Meeting Notes from March 5, 1:00**

The following are my understanding of what transpired at the above meeting:

Janet Terry was chairperson for this meeting. Those present were: Janet Terry, Harry Butler, Debbie Kovilak, Kathy Portner, Terry Franklin, Shawn Cooper, and Mike McDill.

There were no changes to the Level Of Priority lists from the minutes of the Feb. 18 meeting.

Shawn Cooper presented some sketches of a potential gateway layout. It included two curved masonry walls representing the bookcliffs and the mesa with the City name and some landscaping. We discussed how this arrangement might be incorporated into various interchange layouts. The whole committee seemed to approve the general concept that Shawn delivered. There was a strong preference for flagstone or a combination of flagstone and keystone for retaining wall surfacing.

We reviewed Tim Woodmansee's e-mail about ownership along Hwy 50 and the vicinity of I-70 & 29 Road.

Mike reported that the CDOT improvements at the 24 Road/I-70 Interchange were planned for 2005. Improvements at the Horizon Drive Interchange are scheduled for 2006. The City also has the 29 Road Interchange programmed for 2011 or 2012.

### Interim Objectives:

- Debbie also check with Tim Woodmansee on potential sites around I-70 Exit 26 (I-70B, Hwy 6 & 50).
- Mike will check with CDOT to get more detail of the timing and content of their plans for 24 Road to see how out intention will fit with those plans.
- Shawn will continue to fine tune his concepts.
- All will continue to collect pictures of community entrance features in their travels

**Progress Schedule:**

Action A) Create a work team (by January 2003) – COMPLETE

Action B) Identify and prioritize locations (by March 2003) – COMPLETE

Action C) Design several alternatives of a plan containing common design elements (by May 2003) – IN PROGRESS

Action D) Develop cost estimates (by August 2003) – NO ACTION

Action E) Fund top priorities in the next two year budget (by October 2003) - NO ACTION

The next meeting will be on March 26, 2003, 8:30, at the Visitor and Convention Bureau office. It will include a bus tour of the various sites and a demonstration at Mays Concrete of the potential materials for interchange walls and signs.

If any member of the team wants to add to this description for any reason, please let me know and I will make the adjustment. Otherwise these are the minutes for our last meeting.

\\gateways\minutes03-05

**Attach W-4  
Smoking in Public Places**

**Information was provided  
by the  
Mesa County Tobacco Education Council**



# Make an Informed Decision

Promoting a tobacco-free community.

MESA COUNTY TOBACCO  
EDUCATION COUNCIL

2754 Compass Drive, Suite 240  
Grand Junction, CO 81506

Phone: 970-254-4108  
Fax: 970-254-4118  
<http://www.mctconline.org>

Secondhand smoke is a combination of the smoke in the air from a burning cigarette and the smoke exhaled by a person smoking. Secondhand smoke contains over 4,000 chemicals including:

- ammonia - used as floor and toilet cleaner
- acetone - nail polish remover
- carbon monoxide - found in car exhaust fumes
- formaldehyde - used to preserve biological specimens
- cyanide - used in the gas chamber

When combined and burned these chemicals become a lethal combination.

- ⊗ There are approximately 60,000 deaths in the U.S. every year from secondhand smoke related illnesses.
- ⊗ 80% of Colorado's population does not smoke.
- ⊗ Secondhand smoke is the number one source of indoor air pollution and creates a health threat to the majority of residents.
- ⊗ A person standing twenty inches from a burning cigarette may inhale 10 times more cancer-causing chemicals than a smoker.
- ⊗ Breathing secondhand smoke for just twenty minutes has substantial damaging effects on the heart, blood, and blood vessels.
- ⊗ Restaurant workers who are exposed to secondhand smoke breathe the equivalent of 1.5 - 2 packs of cigarettes a day.

Information supplied by American Nonsmokers' Rights and the Colorado Department of Public Health and Environment. For more information on these facts, please go to [www.mctconline.org](http://www.mctconline.org)



## Smoke-Free Workplaces: A Growing Trend in Colorado

Communities that permit smoking only in separately ventilated and completely enclosed rooms for bars and/or restaurants:

Aspen: Restaurants

Boulder: Bars and Restaurants

Montrose: Restaurants

Pitkin County: Restaurants

Superior: Restaurants

Telluride: Restaurants

Communities with completely smoke-free restaurants and/or bars:

Alamosa: 100% Smoke-free Restaurants

Louisville: 100% Smoke-free Restaurants

Snowmass: 100% Smoke-free Restaurants

Ft. Collins: 100% Smoke-free Restaurants

Communities where outdoor eating areas of establishments are smoke-free:

Louisville: 100% Smoke-free outdoor eating areas

Superior: 100% Smoke-free outdoor eating areas





## Smoke-Free Policies Make Good Business Sense

**Smoking is  
optional,  
breathing is not.**

MESA COUNTY TOBACO  
EDUCATION COUNCIL

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Grand Junction, CO 81506

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<http://www.mcteonline.org>

- ⊗ 80% of Colorado residents don't smoke.
- ⊗ Studies of sales tax data from Aspen, Boulder, Snowmass, and Telluride have demonstrated that smoke-free ordinances in restaurants had no negative effect on revenues.
- ⊗ An analyses of sales tax revenues and hotel visitors in three states and six cities, with 100% smoke-free restaurant ordinances, found that none experienced a drop in hotel visitors, and some registered increases after smoke-free laws went into effect.
- ⊗ Many restaurant owners in Grand Junction support smoke-free restaurants and have already made their establishment smoke-free.

*"Every day I get comments from customers about how nice it is smoke-free. People even write 'thank you for going smoke-free' on their tickets." Lois McGary, Lois' Place, Grand Junction.*

- ⊗ Employers who implement smoke-free policies often experience cost-savings related to fire risk, damage to property and furnishings, cleaning cost, worker's compensation, disability, absenteeism, and productivity losses.
- ⊗ In an public opinion survey conducted in Mesa County in the summer of 2002 70% of Mesa County residents surveyed, stated that they believe all restaurants should be smoke-free.

### **So how can you protect the public?**

Completely eliminate smoking in the building. There is no safe level of exposure to secondhand smoke.

Information provided by the Group to Alleviate Smoking Pollution (GASP), American Nonsmokers' Rights Foundation, State Tobacco Education and Prevention Partnership. For more information on these facts, go to [www.mcteonline.org](http://www.mcteonline.org).

# **Montrose Sales Tax for Restaurants & Bars**

*Years: 1999-2002*

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Mesa County Tobacco Education Council  
2754 Compass Drive, Suite 240  
Grand Junction, CO 81506  
(970) 254-4108  
<http://www.mcteconline.org>

MONTROSE RESTAURANT SALES TAX  
 GRAND TOTALS BY TAX AND BY YEAR  
 TOTAL TAX COLLECTED

YEAR	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUGUST	SEPT.	OCT.	NOV.	DEC.	NET TAX	SALES TAX	
<b>2002</b>	Tax Income	54,532	56,100	65,015	61,372	71,839	73,650	78,940	78,000	65,484	67,205	60,940	65,162	\$798,239	\$23,947
	# of Restaurants	54	54	54	57	59	59	56	56	55	57	57	58		
<b>2001</b>	Tax Income	51,977	53,349	64,080	59,627	66,816	72,055	73,611	74,097	67,102	63,342	59,083	61,790	\$766,929	\$23,008
	# of Restaurants	52	50	52	55	53	59	56	54	54	54	54	55		
<b>2000</b>	Tax Income	48,957	49,455	57,519	57,278	62,408	67,949	83,789	71,747	69,659	64,471	56,455	60,351	\$750,038	\$22,501
	# of Restaurants	51	49	49	50	48	55	51	51	55	54	53	54		
<b>1999</b>	Tax Income	52,441	52,707	61,861	60,631	68,492	73,899	81,457	73,867	49,707	54,011	54,011	54,011	\$737,095	\$22,113
	# of Restaurants	49	50	50	47	48	51	50	53	46	46	45	46		

Smoke-Free Ordinance Passed: April 2001  
 Sales Tax Computation: Net Tax \* 3%

MONTROSE BAR SALES TAX  
 GRAND TOTALS BY TAX AND BY YEAR  
 TOTAL TAX COLLECTED

YEAR	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUGUST	SEPT.	OCT.	NOV.	DEC.	NET TAX	SALES TAX	
<b>2002</b>	Tax Income	1,242	1,183	1,383	1,165	1,221	996	1,291	1,290	1,160	1,449	1,217	1,222	\$14,769	\$443
	# of BARS	4	4	4	4	4	4	4	4	4	4	4	4		
<b>2001</b>	Tax Income	1,402	1,643	1,507	1,364	1,413	1,497	1,453	1,352	1,260	1,116	1,128	1,304	\$16,439	\$493
	# of BARS	4	4	4	4	5	5	5	5	5	5	5	5		
<b>2000</b>	Tax Income	1,075	1,119	1,322	1,315	1,336	1,271	1,355	1,571	1,396	1,434	1,466	1,434	\$16,094	\$483
	# of BARS	3	3	3	3	3	3	3	3	3	3	3	3		
<b>1999</b>	Tax Income	1,271	1,058	1,318	1,167	1,291	1,165	1,196	1,220	1,314	1,496	1,063	1,093	\$14,652	\$440
	# of BARS	3	3	3	3	3	3	3	3	3	3	3	3		

Smoke-Free Ordinance Passed: April 2001  
 Sales Tax Computation: Net Tax \* 3%

**Attach W-5  
Drought Response Plan**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject		Drought Response Plan					
Meeting Date		March 31, 2003					
Date Prepared		March 26, 2003				File #	
Author		Greg Trainor			Utility Manager		
Presenter Name		Mark Relph			Public Works and Utility Director		
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
X	Workshop		Formal Agenda			Consent	Individual Consideration

**Summary:**

Presentation and discussion of combined draft Drought Response Plan of the City of Grand Junction, Ute Water Conservancy District, Clifton Water District, and the Town of Palisade.

**Budget:**

**Action Requested/Recommendation:**

Discussion among City Council; Suggested changes from City Council, if any; Authorization for City Manager to sign a memorandum of understanding upon completion of the Plan.

**Attachments:**

Draft Drought Response Plan  
Parks Report

**Background Information:**

As a result of drought conditions State-wide during the 2001-2002 Water Year, the Grand Valley domestic water providers have met numerous times to prepare a combined Drought Response Plan for the Grand Valley. Attached is the draft plan. It incorporates the following principles:

1. Common response among all the providers.

2. What is a shortage for one is a shortage for all.
3. Recognition of existing water conservation plans.
4. Emphasis on public education and awareness.
5. Monthly meetings among the providers to monitor weather, water supply, and delivery situations.

The Drought Response Plan is based two stages of drought, each of which is triggered by either a combination of the Historic User Pool projections, Water Provider storage, or stream flow projections.

**Stage I Drought** - On-going water conservation – Conditions are similar to 2002 drought, but no real impacts to area domestic water providers; Statewide drought conditions may or may not exist that affect area irrigators. Some voluntary water use reductions anticipated. Actions undertaken involve predominately sharing water supply. Water conservation efforts continue.

**Stage II Drought** - At least one of the four water provider's supply is at or near minimum target levels (to be determined) for either storage or stream flows requiring drastic water conservation measures to ensure water needs, for the most essential uses are met for all Valley water customers. Mandatory water use reductions and a drought rate imposed.

In addition, the City Parks Department has developed a Drought Response Plan for **irrigation** of parks, golf and public open spaces. The Parks plan incorporates an overview of ongoing improvements to parks **irrigation** practices, improved technology, and a priority listing of areas to be irrigated if supplies are short. The Parks plan would be implemented at the various stages of drought described above.

# **Fourth Draft**

## **Drought Response Plan**

**(For discussion only, subject  
to Policy Review by City Councils  
and Boards of Directors)**

**Clifton Water District  
City of Grand Junction  
Town of Palisade  
Ute Water Conservancy District**

**March 2003**

# TABLE OF CONTENTS

## INTRODUCTION

## STRATEGIES AND POTENTIAL DROUGHT RESPONSE

## APPENDIX A: WATER CONSERVATION PLAN (each provider will put their own plan in this Appendix)

## APPENDIX B: DETAILED DROUGHT RESPONSE OUTLINE

*STAGING RESPONSES*

*INCREASING WATER SUPPLY*

*REDUCING WATER USE*

*TRIGGERING ACTION*

*TIMING DROUGHT ASSESSMENTS AND DECLARATIONS*

*HELPING CUSTOMERS PLAN*

*TRIGGERING ACTION: TO WAIT OR NOT TO WAIT?*

*OUTLINING THE DROUGHT RESPONSE*

Ongoing Water Conservation

Stage I Drought

Stage II Drought

## APPENDIX C: PUBLIC OUTREACH

*LISTENING AND TALKING*

*MAINTAINING CREDIBILITY*

*MAKING THE ROUNDS WITH EARLY INFORMATION*

*INVOLVING THE PUBLIC IN DROUGHT RESPONSE DECISIONS*

*WATCHING DROUGHT*

*CONSIDERING POLICIES DURING ROUGHT*

*STAGING PUBLIC OUTREACH EFFORTS*

Ongoing Water Conservation

Stage I Drought

Stage II Drought

## SUMMARY



## INTRODUCTION

Drought can be defined as an extended period of below-average precipitation and/or stream flow that stresses a water supply. Drought is a natural, on-going situation in Colorado - a phenomenon that has recurred regularly throughout Colorado's history.

For planning purposes, the City of Grand Junction, Ute Water Conservation District, Clifton Water District and the Town of Palisade water supply strategy is to have enough water to meet unrestricted customer usage during a period similar to the 1977 or 2002 droughts.

No one can predict how long a drought will last or if it will be worse than those used in our calculations. Therefore, even though Grand Valley domestic water supply currently exceeds its use, the providers must be prepared to recognize drought conditions early and respond appropriately. The attached Drought Response Plan (DRP) is designed to provide Governing Boards and City Councils with a set of options to consider in dealing with a prolonged drought.

Each domestic water provider has an existing water conservation plan (See Appendix A, City of Grand Junction). Implementation of this plan is the basic, on-going effort of the domestic water providers.

This will be accomplished through an on-going annual effort, budgeted and paid from the four domestic water providers. These plans include, but are not limited to, the following items:

- Public education through all sources of media on why and how to reduce per capita consumption.
- Encourage all customer classes to evaluate, redesign and reconstruct existing landscapes and outdoor water uses to reduce overall consumption.
- All public institutions to take the lead in evaluating in-door and out-door water use practices. Parks, open spaces, medians, golf courses, fountains, etc. to be audited for current consumption and redesigned or re-operated to reduce consumption.
- Examine all municipal and county code provisions that affect water usage, such as landscape standards, stormwater best management practices, and building codes provisions and amend, if appropriate, these code provisions to meet not only the objectives of the Code as originally intended but also to reduce water consumption.
- Campaign proclamation to alert public to the need to conserve water.
- Acquaint customers with measures they can expect if Stage I or Stage II drought occurs.
- Monitor potential drought response effectiveness, recommend adjustments as needed to the City Councils and Governing Boards and report to the public regularly.

- Highlight unusually high use on customers' bills. Contact these customers and special interest groups with heavy water use to get their ideas and suggestions for obtaining long-term reductions. (Golf courses, parks, hospitals, schools, government.)
- Suggest water use surveys (comprehensive water use analyses) for high volume water users in all customer classes, advise them on ways to reduce water use and, where appropriate, suggest retrofit devices.
- Coordinate with Mesa County; invite to meetings.
- Meet with citizens groups and convey messages of basic water conservation and Stage I and Stage II drought conditions.
- Publish "water waste reduction" suggestions for households and aggressively promote it by including it with water bills, putting it on web sites, and using other effective distribution methods, including bill boards, and Public Service Announcements.
- Train customer service employees to respond to conservation-related questions and give information.
- Communicate with the irrigation districts and companies to cooperatively work with them to ensure that adequate irrigation water will be available throughout irrigation season.
- Encourage Xeriscaping and low-water consumption practices.
- Quarterly meetings of domestic water providers to review water supply projections, current reservoir capacity and ongoing conservation efforts.



## **DROUGHT RESPONSE PLAN**

The Drought Response Plan is based on drought, each of which is triggered by either a combination of the Historic User Pool projections, Water Provider storage, or stream flow projections.

**Stage I Drought** - On-going water conservation – Conditions are similar to 2002 drought, but no real impacts to area domestic water providers; Statewide drought conditions may or may not exist that affect area irrigators. Some voluntary water use reductions anticipated. Actions undertaken involve predominately sharing water supply. Water conservation efforts continue.

**Stage II Drought** - At least one of the four water provider's supply is at or near minimum target levels (to be determined) for either storage or stream flows requiring drastic water conservation measures to ensure water needs, for the most essential uses are met for all Valley water customers. Mandatory water use reductions and a drought rate imposed.

This plan identifies two ways to respond to a drought: increasing water supply and decreasing water use.

Increasing Water Supply. The four area water providers can possibly augment their water supply from other sources. There are several options for doing this, each

presenting its own set of intergovernmental and technical considerations. Among the possibilities:

- Call back water rights we allow others to use. (Ranch lessees)
- Augment raw water sources through River Pump Stations if river water is in priority.
- Pay an upstream water user to allow us to divert more water.
- Seek waivers from State agencies to allow us to divert and use **irrigation** water decrees if available.
- Purchase Municipal Water contracts from federal projects if available. (possibly must do in advance)

Decreasing Water Use. The prime drought response is to budget water use for the most essential uses for the drought's duration. There are a wide variety of options that could be used to decrease water use. In general, we expect that reductions would be voluntary as outlined above in the introduction. Voluntary measures would continue with a Stage I drought. Mandatory measures would be implemented during a Stage II drought. We believe it is important to ensure that any discomfort, difficulty or potential loss is shared as equitably as possible across all customer classes.

#### **Stage I Drought** (Expectation of 0% to 10% reduction)

- Continue all measures outlined in the on-going water conservation plan implementation in Section A.
- Initiate campaign to alert public of Stage I drought conditions.
- Monitor drought response effectiveness, recommend adjustments as needed to the City Councils and Governing Boards, report to the public regularly.
- Monthly meetings of domestic water providers to review water supply projections, current reservoir capacity and ongoing conservation efforts.
- Request all government entities to reduce their own short term domestic water use by 30 percent of last five year average to demonstrate leadership in dealing with the crisis, and then publicize the results.
- Publicize creative water saving efforts of individuals and business customers as examples of leadership.
- Provide water audits and recommend drought response measures for all large irrigated public areas.
- Train and assign field and customer service personnel to:
  - Monitor outdoor use.
  - Offer suggestions to customers on water wise use.
  - Identify and work with high water users.
- Each provider consider adjusting increasing block rate (separation of residential from commercial/industrial rates.)

#### **Stage II Drought** (expectation of 10% to 20% reduction)

- Continue all measures initiated in Stage I droughts.
- Consider incentives by the domestic water providers to customers to replace out-dated, water consuming in-door plumbing fixtures, faucets and shower heads.
- Adjust drought water rates to increase financial incentives for using less water.

- Intensify public information to reinforce the need for extreme measures (generate awareness of drought status, response, policy recommendations, requirements and penalties).
- Provide information and assistance to customers planning for post-drought landscape revival or replacement.
- Eliminate all fire hydrant uses except those required for public health and safety.
- Reduce indoor water use:
  - Eliminate serving water in restaurants except on request.
  - Require all hotels, motels, inns and bed and breakfast establishments to have only showerheads meeting maximum flow rates of 2.5 gallons per minute and faucet aerators meeting maximum flow rates of 2.2 gallons per minute.
  - Assist County health department in distributing guidelines prohibiting use of gray water.
  - Adjust temperatures in buildings with water-cooled air conditioners to require less water.
- Intensify reductions of outdoor water use:
  - Increase penalties for wasting water, violating any permits or ignoring restrictions.
  - Prohibit street, sidewalk and driveway washing by flushing methods—except where spills of toxic or hazardous substances or where public health and safety issues can only be resolved by washing the impermeable surface.
  - Prohibit curbside car/truck washing by all customers.
  - Prohibit car/truck washing on dealers' lots.
  - Prohibit filling private swimming pools.
  - Require that ornamental fountains in buildings and parks be turned off.
  - Impose restrictions in landscape water use in proportion to the severity of the drought.
  - Prohibit all new landscaping including planting of trees and shrubs.
  - Train and assign field and customer service personnel to:
    - Police outdoor water use.
    - Issue warnings.
    - Impose penalties for water waste, violations of any permits and noncompliance with restrictions.
- Each provider consider adjusting increasing block rate (separation of residential from commercial/industrial rates.)
- Prohibit outdoor water use (as a last resort in an extremely severe drought) except for subsistence **irrigation** of trees and shrubs.



## **PUBLIC OUTREACH**

During a drought, it is essential that the four area water providers communicate effectively not only with their customers, but also with other area water suppliers, local governments, and other groups who may be affected by this drought response.



## **SUMMARY**

While the options listed in the Drought Response Plan are based on lessons learned here and from other water utilities during past droughts, it is important to understand that every drought is different and that the Governing Boards and City Council will adjust and refine measures based on actual drought conditions. This plan is intended to help staff, customers, stakeholders and the Boards and Council be better prepared when a drought occurs.

## **Park Water**

### **Yesterday's Use - Today's Conservation – Tomorrow's Vision**

Up until the drought of 1977, the city and department had done little to account for parks water use and less to conserve. Following the drought, a more conscious effort was put forth to save water through the installation and reading of meters, and billing for actual use. It was not until 1987 the city began to take steps annually to automate park watering systems. Then there were only five fully automated **irrigation** systems: Lincoln Park Golf Course, Tiara Rado Golf Course, Suplezio Field, the south two-thirds of Sherwood, and Melrose. Several parks had quick-coupled systems where a person had to manually plug and unplug sprinklers; a couple had manually operated valve systems, but seasonal staff, dragging hoses and sprinklers throughout the night, watered most areas.

The North Avenue medians are the only areas yet to be metered and they are scheduled for this year. While metering and the related use fees have caused our budgeted water expense to climb, the meters are a real benefit to us as water managers, because we know how much water is being used and can identify areas of overuse. Automation of the parks has progressed at a steady pace but the installation of more efficient systems has not. Today all but the North Avenue medians have some form of automation. The parks and medians within the Ridges and several small landscaped areas have simple battery powered on-off valve controls. These allow for specific on and off times on specified days and, with the exception of the Ridges, more efficient night watering. The addition of the Redlands Mesa Golf Course on the pressurized system has forced us to restrict watering to between 7:00 am and 9:00pm.

While individual **irrigation** clocks at each park site work well for turning a valve on and off at specified times, they have their drawbacks. Controlling and programming the over ninety-three controllers is very time consuming. It takes four people as many as three hours to shut off or turn on all of the clocks in the park system. Individual clocks do not have the ability to adjust for precipitation received, solar heating, the saturation rate of the soil, or the supplemental water needed by the landscape (ET rate).

Watering at Tiara Rado Golf Course, Lincoln Park Golf Course, and Canyon View Park is controlled through site-based central control computer systems. **Sherwood Park** has been on line for a year with a central system at the park maintenance facility, and Lincoln Park and Eagle Rim will go on line this year with the same computer. The benefits of controlling several sites from a central system are tremendous. Programs can be written for each park, and each zone within the park, that automatically adjust the **irrigation** schedule based upon recent rain events, local weather conditions, and soil moisture within the root zone. Using the ET rate, calculated from data collected from one of the weather stations at Tiara Rado, Canyon View, or Lincoln Park, combined with information on soil type and soil infiltration rate, terrain and sun/shade exposure, more precise sprinkler run times can be determined. To conserve additional water and to prevent over watering, percentage of ET reductions may be entered into the system as well as automatic system shutdown if a predetermined amount of precipitation is received. Currently Canyon View Park, Tiara Rado, and Lincoln Park Golf Courses

water at less than 70% of ET and Sherwood waters at 60%. For some time the golf course has benefited from the superintendent's use of soil moisture meters. With daily readings the meter staff is in a better position to program the computer more accurately and thus apply the required amount of water.

Water conservation is a product of many factors but a properly designed and adjusted irrigation system will apply water at a uniform rate and ultimately reduce consumption. Many of the in-ground irrigation systems are old and are not state of the art design but they do provide relatively uniform coverage. Staff is required, on a regular basis, to turn on the systems and check and repair sprinklers that may be out of adjustment, damaged, or obstructed; we cannot become complacent and not check the irrigation heads for proper operation. Field personnel, especially those on the mowing crew, have had training in recognizing symptoms of irrigation problems, signs of disease, and insect damage. Their weekly observations are vital to maintaining healthy turf, shrubs, plants, trees, and water conservation.

Knowledge of the performance of the irrigation system and the plants' need for water is the key to wise water use within the park system. Up to now setting irrigation controller timing has been based, more or less, on park appearance rather than actual data. In 2003, irrigation auditing, and the implementation of the audit results at each park site, is our goal. To obtain precise data each valve on the system, and each head on the valve, will be audited for performance. Using soil probes for root zone measurements, tuna fish cans to collect water, stopwatches for accurate timing, and graduated cylinders for accurate water measurement, all combined into several mathematical calculations, department crew leaders and supervisors - all of whom have been through water audit training - will be conducting park audits once the irrigation systems are activated this spring. The audit information all goes into the writing of precise irrigation programs for the parks on a central system. For non-centrally controlled parks, simplified run-times will be calculated for each zone. This will not allow for the precise control obtainable through the central system but we will be able to better set system run-times and control water consumption.

Adjusting to higher mowing heights does help conserve water but has its drawbacks; when tried at the cemetery we had a less than acceptable reaction. We received many complaints that the area had not been mowed and the entire area took on an "un-taken care of look". We will be identifying less used areas where higher turf might be acceptable and will implement the strategy as a response to severe restrictions.

In the event the watering of parks and open spaces must be drastically reduced, or partially eliminated, the following areas (examples of typical sites are shown), from first off to last off, are recommended.

1. Shut fountains/water features off (e.g. Main Street, City Hall, Two Rivers).
2. Grass medians (e.g. 7<sup>th</sup> Street, N 1<sup>st</sup> Street, North Avenue, etc.)
3. Rights of Way (e.g. 1<sup>st</sup> & Grand, Lilac, Desert Vista, S. 5<sup>th</sup> etc.)
4. Lesser Used Parks (e.g. Emerson, Whitman, Paradise Hills, Spring Valley I, etc.)
5. Public Buildings (e.g. City Hall, Two Rivers, Sr. Recreation Center, VCB, Police Department, etc.)



6. Heavy Use Parks (e.g. Lincoln, Hawthorne, Melrose, Columbine, Sherwood, etc.)
7. Golf course native areas
8. Golf course driving ranges
9. Golf course perimeters
10. Golf course fairway non-landing areas
11. Golf course fairway landing areas
12. Sport facilities (e.g. Canyon View multipurpose fields, softball facilities, Stocker Stadium, Suplizio Field, etc.)
13. Golf course tees in phases
14. Golf course greens, baseball infields

As previously stated many of the in-ground **irrigation** systems are old and/or not state of the art in design. The capital improvement program identifies in 2003 the replacement of the inefficient system at Spring Valley I. Continuing through 2008 will be replacement of systems at Melrose, Sherwood (north 1/3), Darla Jean, Paradise Hills, and Riverside Parks. The systems at both the Lincoln Park and Tiara Rado Golf Course are aging, prone to breaks, are very inefficient and replacement is necessary but the lack of funds has caused them to be placed in the unassigned category of the CIP. We will continue to identify and prioritize into the CIP other inefficient systems as the audit process progresses.

We have developed a plan for converting parks to the central computer by identifying control sites throughout the city, equipment needs, and funding requirements, but at this point dollars for the conversions are unallocated. We do progress towards conversion by purchasing central system compatible controllers and related equipment out of small operating accounts whenever an older controller fails and must be replaced. As funds become available more and more parks will be added to the central system.

With each of the steps we take to conserve and apply less water to the landscaped parks, there is a down side, one that may not be evident for years - we are killing our trees. Throughout the valley, there are thousands of trees relying on the application of supplemental water. The majority of these trees have grown up on a regular diet of water obtained through "careless" over watering of turf grass. As we become more precise in our care of turf and begin to apply only what the turf needs, we are at the same time depriving the trees of the lifeblood they have grown accustomed to receiving.

A five inch diameter and smaller tree needs between fifty and seventy-five gallons of water every ten to fourteen days and an established tree needs between 175 and 200 gallons every ten to fourteen days. To supplement the water the trees receive from the **irrigation** system we will use hand water flooding and deep root feeders. To help counter the long-term effect on the trees we are hiring seasonal employees and using portable tanks to deep-water trees on a once a month rotation. Staff is also discussing with consultants the feasibility of writing a monthly tree-watering program into the central control **irrigation** systems. The proposed "water-soak-water" cycle would, apply all the water the soil could absorb, pause long enough for the moisture to soak in, apply additional water, and soak again. This cycle would repeat until the total amount of



required moisture is applied. The procedure lets the water soak around the tree's feeder roots commonly found in the top twelve inches of soil.

Water penetration around trees can be improved in several ways. To facilitate penetration we will continue to spray roundup around trees in parks, cemetery, both golf courses and all city facilities. Extensive use of mulch around the tree base is also planned, as is additional aeration.

Some trees have been suffering from the drought stress over the past ten plus years. Staff is conducting a large tree/hazard tree evaluation to try to determine the anticipated life of the tree. If a tree has three to five years of life left, we will be planting small trees, future replacements, as close as we can. This will allow small trees to get started and as we water the small trees, we will be watering the large trees.

We have started a three-year trimming rotation reducing dead wood and eliminating nesting places for diseases and insects. Pro-active spraying will continue to thwart insects and diseases that invade trees when they are in a weakened state and the Marit insect control program is giving us better control of scale. Spraying both small and large trees with a slow release fertilizer will begin in mid spring.

Planting varieties of trees that adapt well to our soils and can take low water will be a priority. Hackberry, Hawthorne, Mulberry, Bur Oak, and Flowering Pear have all proven to do very well in some of the less watered areas of the valley.

Ultimately, the goal is to do all we can to make newly planted and existing trees as healthy as possible and therefore better withstand drought conditions and to plan now for thirty years into the future. If we do a good job now with trimming on a three to five year rotation and have trees that are healthy, maybe they won't have to fight things like ash yellows and the dead wood we are faced with today, which are the results of the 1977 drought.

**Attach 19  
Watershed Protection Ordinance**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
Subject		Ordinance Establishing a Watershed and Water Supply Protection District						
Meeting Date		April 2, 2003						
Date Prepared		March 27, 2003				File #		
Author		Dan Wilson			City Attorney			
Presenter Name		Dan Wilson			City Attorney			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When		
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name		
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input checked="" type="checkbox"/>	Consent	Individual Consideration

**Summary:** The City owns and operates municipal water treatment and delivery systems and provides water service to consumers both inside and outside of the City limits. A Watershed Protection ordinance will help to protect the public water supply and to preserve the City's water resources. Because various activities and land uses in the City's watersheds could affect the quality and quantity of the water supply and facilities, some activities should not occur, some may occur with proper mitigation, and others will have little adverse impact. In order to be able to decide what risks each activity may present to the City's water supply, persons conducting certain activities within the watersheds must first obtain City review, and if allowed, a watershed permit.

**Budget:** None. It is anticipated that existing staff will be able to incorporate the additional work into their current jobs.

**Action Requested/Recommendation:** Adopt an Ordinance Establishing a Watershed and Water Supply Protection District, thus protecting the City's water supplies.

**Attachments:** Draft Ordinance

**Background Information:** In 1993 the City Council adopted Resolution 41-93 adopting of the Grand Mesa Slopes Management Plan (GMS Plan) for the western part of the Grand Mesa, within which much of the City's water supply is derived. That GMS Plan recognized that future municipal watershed protection and management will be needed to continue to manage and protect the City's waters.

Given national and International conditions, possible threats of terrorism, and other factors, a watershed ordinance is quite timely.



## ORDINANCE NO.

### **An Ordinance Establishing a Watershed and Water Supply Protection District; Establishing Procedures and Standards for Watershed District Permits in Connection with Various Activities within said Watersheds; Prohibiting any Person from Polluting said Watersheds; Requiring a Watershed District Permit for most Activities; and Providing Penalties and Remedies for Violation of this Ordinance.**

#### Recitals.

- A. The City intends to exercise all available powers and authority Pursuant to Article XX of the Constitution of the State of Colorado, the City's Charter and state statutes, including §31-15-707, C.R.S.
- B. The City owns and operates municipal water treatment and delivery systems and provides water service to consumers both inside and outside of the corporate limits of the City. Given the City's legal and practical responsibilities to the system and its users, the City has determined that an ordinance is necessary to help it protect the public water supply, to preserve the City's water resources and its ability to fully protect and develop its water and water rights. The City's diversions, storage and other municipal water rights are critical to the short and long-term welfare of the community. As such the various water and land uses in the identified drainages substantially concern the City because any of them could affect the quality and quantity of the water, supply and facilities available for City use.
- C. The City Council hereby finds, declares and determines that the maintenance and protection of an adequate water supply of the highest quality is essential to the public health, safety and welfare of the citizens of the City. This ordinance is adopted to protect the City's water and waterworks from the threat of or actual pollution or injury.
- D. The City has heretofore entered into a cooperative agreement with the United States Forest Service under the provisions of the Act of June 12, 1960 (16 U.S.C. 530) for the purpose of protecting that portion of the municipal watershed of the City of Grand Junction which lies within the National Forest lands.
- E. By virtue of §31-15-707 (1) (b), C.R.S., the City has the power to enact ordinances and regulations for the purpose of maintaining and protecting the City's waterworks from injury and the City's water from pollution.
- F. Because of the importance of the resource, the fact that growth, use and other pressures are ever increasing, in light of drought conditions, and the possibility that the resource may be irretrievably damaged, the City Council finds that various activities of the past, present and future within the area of the City's

water supply pose or may pose a danger to that supply which could affect the health, safety and welfare of the citizens of the City of Grand Junction.

- G. The City Council has further determined that the City should exercise all right, power and authority under the law to provide its citizens with plentiful water supply of the highest quality and that such waters and water supply are matters of purely local concern.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION that the following watershed and water supply protection ordinance is hereby passed and adopted.

1. 1. CITATION. This ordinance shall be known as the "Watershed Protection Ordinance" of the City.

1.2. PURPOSE.

(a) The primary purpose for which the Watershed Protection Ordinance is established is the fullest exercise of the powers, authorities, privileges and immunities of the City of Grand Junction in maintaining and protecting the City's water supply and waterworks from injury and water supply from pollution or from activities that may create a hazard to health or water quality or a danger of pollution to the water supply of the City.

(b) The City's authority is granted in §31-15-707 (1) (b), C.R.S., Article XX of the Constitution of the State of Colorado, other state and federal laws including the Safe Drinking Water Act, and local laws, ordinances, rules and regulations, including the City's Charter.

(c) This ordinance and the implementing regulations are created for the purpose of protecting the City's water and waterworks only and not intended to regulate land use activities *per se*.

(d) The direct regulation of land use activities within the watersheds shall remain the responsibility of Mesa County. The City's authority herein shall be for the purpose of reviewing, restricting or prohibiting any activity within a watershed which creates a foreseeable risk of damage or injury to the City's water supply or waterworks and/or the lands from under, or across or through which the water flows or is gathered. The City's authority within the watersheds shall be concurrent with the authority of Mesa County and any other governmental entity having or claiming jurisdiction.

1.3. DESIGNATED WATERSHEDS. AREA MAP.

(a) The Kannah Creek and Whitewater Creek Watersheds are hereby declared to extend over all the territory occupied by the City of Grand Junction's primary waterworks and shall include but not be limited to all reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the same and over all creeks, streams, lakes, reservoirs and the City's waterworks and all water sources tributary thereto for five (5) miles up gradient (above) each point from which any water is diverted for use by the City of Grand Junction. The Kannah Creek and Whitewater Creek Watersheds are termed "Zone 1."

(b) The Gunnison River Watershed is declared to extend from, and include, the City's pumps on the Gunnison River for five miles up stream and up-gradient of the

City's diversion structures and such pumps. For this ordinance this Watershed shall be termed "Zone 2."

(c) The Colorado River Watershed is hereby declared to extend from, and include, the Clifton Water District Plant, and five miles upstream and up-gradient of the intake and diversions of such plant. For this ordinance, this Watershed shall be termed "Zone 3."

(d) The Watershed Maps for Zone 1, 2 and 3 are integral parts of this Ordinance and, with all notations, references and other information shown thereon, are incorporated herein by this reference as part of this Ordinance as if fully set forth.

(e) The Watershed Area Maps may be amended from time to time by resolution of the City Council. Zone 2 and Zone 3 Watersheds may be included within Zone 1 and shall be subject to the regulations of Zone 1 by resolution of the City Council.

1.4. RULE OF CONSTRUCTION. This ordinance shall be liberally construed to: Implement the policy of the City that human activity, direct and indirect, including the construction or use of any building, utility, structure or land within the Watersheds be operated, maintained, constructed and used to limit pollution in the Watersheds; and Protect the people of the City and all the persons using or relying upon the municipal water supply and services of the City.

1.5. DEFINITIONS. For the purposes of this ordinance, the following words shall have the following meanings:

(a) "Best Management Practice" means the most effective means of preventing or reducing harmful effects or impacts of certain activities so that City of Grand Junction standards are met, and so that no pollution occurs within Zone 1.

(b) "City" means the City of Grand Junction, Colorado.

(c) "Director" means the Public Works Director of the City or his authorized representative.

(d) "Diverted" has the meaning determined by the statutory and common law of Colorado, as it changes from time-to-time.

(e) "Drilling Operations" includes drilling for water, oil, gas or other natural resources, and the related grading, construction, traffic activities.

(f) "Excavating" means the intentional movement of earth leaving any cut bank over three feet (3') in height or a movement of material in excess of ten (10) cubic yards.

(g) "Facility" means any component or portion of the City water supply system or waterworks.

(h) "Filling" means the intentional movement of earth that results in any earth bank over two feet (2') in height or filled earth over two feet (2') deep, or,

artificial addition of earth above a line sloping up at a grade of one (1) vertical unit to five (5) horizontal units from the ground before the filling.

(i) "Foreseeable Risk" means the reasonable anticipation that harm or injury may result from acts or omissions, even if indirect.

(j) "Grading" means: The intentional movement of over five (5) cubic yards of material; Movement of any earth or material that changes the natural flow of surface water, or affects or creates a drainage channel; Pioneering of a road, cutting or clearing of trees and shrubbery that results in creating a roadway or driveway in excess of twenty-five feet (25') in length; or The use of vehicles or keeping of any animals upon any land that could reasonably lead to a movement of five (5) cubic yards of material within any five (5) year period.

(k) "Impact" means any alteration or change resulting directly or indirectly from an action.

(l) "Mitigation" means methods to: avoid an impact by redesigning an activity; minimize an impact by substantially limiting the scope of an activity; rectify the impact by repairing, rehabilitating or restoring an affected area, resource or facility; and/or compensate for an impact by replacing or providing substitute facilities or resources.

(m) "Notification" means a letter by mail or facsimile, or email, which shall include the name and address of the person undertaking the activity, a description of the proposed activity, its location, duration and such other information as the Utility Manager may require. The notification requirement shall include a description of the Best Management Practices that are proposed, and any possible risks of pollution to be employed.

(n) "Person" means any individual, corporation, business, company, public or quasi-public utility, trust, estate, trust, partnership, governments, political subdivision, association or any other legal entity.

(o) "Pollution" means any man-made, man-induced, or natural alteration of the physical, chemical, biological and/or radiological integrity or condition of water(s). "Pollution" includes introducing hazardous materials or any substance regulated by RCRA, FIFRA, CERCLA, or other state law and includes any element, compound or addition that reduces the quality of water, or adds any chemicals or molecule that is regulated by the environmental laws of the United States or Colorado.

(p) "Removing Vegetation" means: the intentional cutting, burning, grubbing, dragging, chemical killing or any other manner of removing any flora or tree; any shrubs and/or trees, or combination, covering an area of more than one hundred (100) square feet; or any grasses covering an area of more than one thousand (1,000) square feet; except that "removing vegetation" does not include removal of clearly diseased or dead trees for domestic purposes, or to clearing of trees in order to construct a residence, or cutting of Christmas trees for non-commercial purposes.



(q) "Sewage Disposal System" or "ISDS" means a septic tank or other facility designed and constructed for the purpose of receiving and disposing of sewage.

(r) "Substantial" means material, considerable in importance, value, degree, amount or extent, rather than to a trifling degree.

(s) "Surfacing" means any action resulting in the hardening or covering of the pre-existing ground in an area greater than one hundred (100) square feet such that precipitation striking the area will accumulate or run off the surface to a greater extent than prior to the hardening or covering of said pre-existing ground. Surfacing includes, but is not limited to, such things as compacting the surface of the earth, placing gravel, asphalt, concrete or like substances on the surface of the earth, and the placement of structures upon the ground and construction of buildings.

(t) "Timber Harvesting" means the cutting or removal of trees for commercial or resale purposes.

(u) "Utility Manager" means the person assigned, hired or employed by the City to manage the City's utilities.

(v) "Utility" means any one or more of the following: waterworks, diverter box, weir, gauge, sewer system(s), pipeline(s), gas line(s), electrical line(s), telephone or telegraph line(s), cable television and fiber optics systems, radio tower(s) and repeater(s), transportation system(s); and any person providing the same for public or private use.

(w) "Watershed" or "Watersheds" means: the territory occupied by the City's waterworks pumps, emergency water sources and the stream or other source from which the water is diverted or controlled; and all up-gradient lands five miles above the points from which taken, diverted or may be taken or diverted in drought or other unusual conditions; and includes the area within a circle the radius of which is 500 feet of any weir, intake structure, pump, diversion settling basin, reservoir or other lake, pool or pond that is a part of the City's water system of the City.

(x) "Waterworks" means any waterworks, water courses, water collection and storage facilities connected physically or hydro- logically, and all man-made or designed components of the City's water system(s) including, but not limited to, all transmission, diversion structures, emergency or stand-by pumps, storage and filtration facilities; and all reservoirs, ponds, lakes, flow lines, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the City's water system.

#### 1.6. UNLAWFUL AND ACTIVITIES. REQUIRED NOTICE OF OTHER ACTIVITY.

(a) Certain activities in a Zone 1 Watershed pose a significant, serious threat of pollution or a foreseeable risk of damage or injury to the City's waterworks supply. Therefore, it shall be unlawful for any person to engage in any of the following activities within a Zone 1 Watershed unless such person has first obtained a Watershed Work Permit issued by the City:

1. Construction of a sewage disposal system, including a County permitted individual sewage disposal system (ISDS) and a facility or system serving more than one user;
2. Excavating, grading, filling or surfacing;
3. Removing vegetation;
4. Timber harvesting;
5. Drilling operations;
6. Grading;
7. Surface or subsurface mining operations, including the extraction of gas and/or oil and the preparation of sites in anticipation of drilling;
8. Spraying or using herbicides, pesticides or rodenticides;
9. Using, handling, storing, or transmitting amounts of hazardous materials or radioactive substances in amounts or in ways that are within that are at or above federal or state regulatory limits;
10. Using, handling, storing or transmitting flammable or explosive materials, except for domestic uses; except that three hundred (300) gallon above-ground fuel tanks and within vehicular storage tanks that are an integral part of the vehicle, are allowed for each farm or ranch.

(b) Activities within a Zone 1 Watershed which are allowed unless done in a location that creates a risk of pollution but which require notice to the Utility Manager prior to a person undertaking such activity are:

1. Stock grazing.
2. Road maintenance and construction by governmental entities.
3. Burning of the prior year's vegetative growth on canals, ditches and fields.

(c) In Zones 2 and 3, no person(s) shall conduct any activity within the Watershed which is likely to result in pollution within the Zone 2 or 3 Watershed until such person(s) has given Notice to the Utility Manager and ten (10) City business days have elapsed, unless within such time the Utility Manager has written or emailed such person(s) that a complete application and permit, required by section 1.8 is first required.

(d) The Utility Manager shall prohibit any activity that may otherwise be allowed under this Ordinance if a better Best Management Practice than that proposed is reasonably available.

(e) In the event that any activity not set forth in Section 1.6(a) above is being conducted in such a manner that the Utility Manager finds that a foreseeable risk of pollution to the City's Watershed or Waterworks, the Utility Manager shall inform the person responsible for such activity of such finding. Such person shall forthwith cease any such activity until a permit is issued pursuant to this ordinance.

1.7. TYPES OF PERMITS TO WORK IN WATERSHEDS. There shall be three types of permits to work in a Watershed District:

(a) Annual permits: permits granted to person(s) to cover work to be done in a Watershed for a period of one year, commencing each January 1 and ending the next December 31.

(b) Individual permits: permits granted to person(s) for a specific project in a Watershed.

(c) Zone 2 and 3 permits during times when the City does not expect to divert water in such watershed for its water supply.

1.8. APPLICATION FOR PERMIT.

(a) A separate written application for the work to be done under an annual or individual permit shall be submitted to the Utility Manager on a form available from City Hall or on the City's web site. The application shall be submitted no later than forty-five (45) days prior to the date for which the proposed activity is planned to commence; except that in cases where substantial injury or loss to the applicant will likely occur if the application is not quickly reviewed and the Watersheds will not be injured the Utility Manager may issue a permit sooner. If the applicant is not the record owner of the subject property, the owner shall also sign such application or otherwise indicate consent in writing. An application will not be deemed to be complete until all information required by the City has been submitted to the City.

(b) During times when the City expects to divert water in Zones 2 and/or 3, in whole or in part with other Watersheds, the Utility Manager may require that a 17(a) or 17(b) permit be issued before further activity can occur.

(c) Every application, including those in Zones 2 or 3 for which a permit is required, shall include a detailed description of the proposed activity for which a permit is sought, including, if applicable, a discussion of any future activity anticipated by the applicant, either alone or in conjunction with others, with respect to the subject property for which a permit may be required hereunder.

(d) The application shall include the following information which the Utility Manager will use to evaluate risks to the City's water and Watersheds :

1. A description of the overall goals of the proposed work, unless it is obvious from the description.
2. A description of the number of trips and type of vehicle(s) to be used.
  3. A vicinity sketch indicating the site location and the location of any water works or an adjacent to the subject property, including the tax assessors parcel number and showing the boundary lines of the property.
  4. Location of buildings/structures.
  5. For permits proposing grading, filling or excavating, two feet (2') interval contours establishing the pre-developed topography of the vicinity.
  6. Elevations, dimensions, location, extent and the slopes of all proposed excavating, grading, filling and surfacing shown by contours and/or other means.
  7. (a) Engineered drawings of all drainage devices/structures used or to be developed/constructed in connection with the proposed activity.
    - (b) A written statement describing the amount and location of any material proposed to be deposited or moved.
    - (c) Nature and location of existing vegetation and how the proposed activity will effect such vegetation.
  8. Delineation of any wetlands, in accordance with current Army Corps of Engineering standards.
  9. For permits for other than construction of a single family home, a barn or other agricultural structure on a parcel of 35 acres or more; hydrological analysis by a Colorado registered professional engineer of surface water relationships to groundwater supplies.
10. Identification of any activity that presents or creates a foreseeable risk of pollution within a watershed along with a specific written description of the measures, including best management practices, that will be employed by applicant to reduce the risks of pollution and the impacts on the watershed.
11. A map showing historic and developed drainage pattern(s) and estimated runoff that will result from the proposed activity.
12. Revegetation and reclamation plans and specifications.
13. A soils analysis, including the nature, distribution and strength of existing soils and recommendations for earth moving procedures and other design criteria.

14. A geologic analysis of the site and adjacent areas and its impact on the proposed activity.
15. An operational and maintenance analysis of the proposed activity.
16. Water use/right analysis, including legal basis, source, quality, amount of consumptive use, impact on ground water and discharge characteristics.
17. If applicable, a plan of development for future proposed activities that are either likely to occur, or might occur if the correct circumstances arise, in the Watershed. The purpose of this provision is to allow the Utility Manager to understand potential cumulative impacts of the activities of one or more persons or proposals, taken in the aggregate, over time, within a Watershed.

1.9. PERMIT, INSPECTION AND TESTING FEES. Each Applicant shall submit to the City a non-refundable Watershed Work Permit application fee at the time of filing an application. Fees shall be determined by resolution of the City Council. The Council shall establish fees in an amount sufficient to cover the costs of publication, hearing, processing, administration, inspection and enforcement of such requested permit for the following:

- (a) Zone 1 Individual Permit;
- (b) Zone 1 Annual Permit;
- (c) Zone 2 or Zone 3 Permit when the City has given timely notice that a permit is required;
- (d) Inspection and Testing Fees: Until changed by resolution of the City Council, a fee of forty-five dollars \$45.00 per hour (to the nearest quarter hour) shall be required for inspection and testing.

1.10. REVIEW, ANALYSIS AND RISKS.

- (a) Within thirty (30) days following the applicant's having provided a complete application the Utility Manager shall review the same and prepare an analysis of the proposed activity, including a written report which identifies any factor(s) that may present or create a foreseeable risk of pollution to the waterworks of the City or the Watersheds. The report shall analyze whether the applicant has proposed best management practices. The Utility Manager may issue a permit or may refer the application to the City Council for hearing at the next regular meeting.
- (b) The analysis of any proposed activity shall, among other things, consider the following:
  1. Nature and extent of the proposed activity.
  2. Proximity to existing water courses.

3. Drainage patterns and control measures.
4. Soil characteristics.
5. Slope steepness and stability.
6. Effects of vegetation removal, grading, filling and/or excavating.
7. Geologic hazards, including, but not limited to, avalanche paths, landslide areas, flood plains, high water tables, fault zones and similar factors.
8. Point source effluent and emissions into the air or water.
9. Ambient and non-point source emissions into air or water.
10. Vehicular and motorized activity.
11. Fire hazard.

(c) The Utility Manager may classify a proposed activity as a minor impact based upon the analysis set forth above if the proposed activity, in light of other permits and/or plans of future activity, clearly does not present or create a foreseeable risk of pollution, damage or injury to the watershed or waterworks of the City. Within thirty (30) days after any such minor impact classification, the Utility Manager shall issue a permit or refer the application to the City Council for any application classified as a minor impact. The failure of the Utility Manager to either issue a permit or refer the application to the City Council within the time prescribed shall be deemed to be approved of the requested permit.

(d) The Utility Manager may classify a proposed activity as "no impact" if the proposed activity, in light of other permits and/or plans of future activity, is not likely to have any adverse impacts on a Watershed. The Utility Manager shall issue a Watershed Work Permit for a no impact activity or use within ten (10) days of such classification.

(e) The Utility Manager shall keep a record of all "no impact" permits for the purpose of assessing the cumulative impact of "no impact" activities.

#### 1.11. HEARING.

(a) The City Council shall conduct a public hearing to review any application referred or appealed to it within 90 days of such referral or appeal, unless the activity requires approval of a permit from any agency of the county, state or federal government and which approval or permit procedure exceeds the time limits provided by requirements of this Ordinance. In that event, the City Council shall have an additional sixty (60) days following the final decision of such county, state or federal government permit procedure to conduct the public hearing required hereunder and render a decision regarding the issuance or denial of a Watershed Work Permit. The City Council may

require additional information from any applicant needed to fully evaluate potential impacts on the City's waterworks or watersheds, in which event the public hearing and decision may be delayed or continued, in which case the deadlines shall apply as though a newly completed application has been submitted.

(b) Notice of any public hearing hereunder shall be given at least ten (10) days in advance of the public hearing.

(c) Any permit required hereunder can be reviewed and issued pursuant to a joint review process with any other government entity or agency with jurisdiction over the same activity or activities.

1.12. STANDARDS FOR ISSUANCE OF PERMIT. A Watershed Work Permit shall be issued when the City Council finds that the applicant has sustained its burden of proof that the proposed activity, including best management practices if any are proposed or required, does not present or create a foreseeable risk of pollution to the watershed or waterworks. A Watershed Work Permit shall be denied when the City Council finds that the applicant has not sustained such burden of proof.

1.13. PERMIT CONDITIONS. In issuing any Watershed Work Permit, the Utility Manager or the City Council may prescribe any conditions deemed necessary to effect the intent of this Ordinance.

1.14. PERFORMANCE GUARANTEE FOR PERMITS.

(a) Individual Permit. Before a Zone 1 major or minor impact permit is issued to any permittee, each permittee shall provide the City, at the permittee's expense, a performance guarantee in the form of cash or a letter of credit. The amount of the guarantee shall be equal to one hundred fifty percent of the Utility Manager's estimate of the cost to ensure compliance with the Watershed Work Permit, including, but not limited to, the cost of maintenance, operation, revegetation, reclamation and other requirements of or arising out of or under the proposed activities. The letter of credit shall be in effect for at least one year beyond the anticipated completion of the activity identified in the permit. Such guarantees shall be extended for the period of any and all permit renewals. The Utility Manager may release to the applicant, in whole or in part, a portion of any cash or letter of credit from time to time when the Utility Manager determines that the guarantee is no longer necessary to ensure compliance with the Watershed Work Permit.

(b) Annual Permit. Any person undertaking an activity under an annual major or minor impact permit in Zone 1 shall provide the City with no less than ten thousand dollars cash or a letter of credit of equivalent cash value. The letter of credit shall run for a period of time at least one year beyond the anticipated completion date of the activity identified in the permit.

(c) Any public utility regulated by the Colorado Public Utilities Commission, any governmental agency, any mutual water company, any conservancy district or any equivalent public or quasi-public water delivery entity may provide the City with an annual letter signed by an appropriate officer of the same guaranteeing: complete

performance of the conditions prescribed in the permit; and the correction of any defect in the work which the City discovers and for which the City gives written notice to the permittee within one year after the date when the City initially accepts the completed work.

(d) If the Utility Manager determines that the permittee has failed to perform promptly under the conditions of the preceding subsection, the permittee shall be required to post a performance guarantee meeting the requirements of the preceding section. If the Utility Manager determines that the permittee then satisfactorily complies with this ordinance for a one-year period while operating under the provisions of the preceding section, the permittee shall again be eligible to operate with the annual guarantee letter provided by governmental or public utilities, as provided in the preceding subsection.

#### 1.15. PURPOSE OF PERFORMANCE GUARANTEE.

(a) Any guarantee made hereunder shall serve as security for the performance of conditions prescribed under the permit if the permittee fails to obviate risks or to complete the work as prescribed under the permit.

(b) The permittee, by acceptance of the permit, expressly guarantees: complete performance of the work acceptable to the City; all work done by such person for a period of one year after the date of acceptance by the City; and, upon demand, to maintain and to make all necessary repairs during a one-year period following City acceptance of the whole or a part thereof. This guarantee shall include, but not be limited to, all repairs and actions needed as a result of:

1. Defects in workmanship.
2. Settling of fills or excavations.
3. Failure to meet the best management practices, if any, as prescribed in the permit.
4. Any unauthorized deviations from the approved plans and specifications.
5. Failure to clean up during and after performance of work.
6. Any other violation of this ordinance.

(c) The one-year guarantee period shall run from the date of the Utility Director's written acceptance of the work, or one year from any repairs or replacements, whichever is longer.

1.16. INSPECTION AND TESTING FEES AND PROCEDURES. At the time of permit application and at such activity or construction intervals as may be established by the Utility Manager, all permittees shall pay for the costs of inspection and testing. Costs of



inspection and testing shall be in accordance with this ordinance and the schedule of charges adopted by City Council resolution. Inspections shall occur as follows:

(a) Major and minor impact Individual and Annual Permits in Zone 1. A minimum of two inspections shall take place. First, the permittee shall notify the City immediately after completion of work operations and acceptance so that the City may determine if all work meets the conditions prescribed under the permit. Second, approximately thirty days prior to the expiration of the guarantee, the permittee shall request that the City inspect the completed work. If the Utility Manager does not accept the work, in whole or in part, the cash or letter of credit guarantee for individual permit holders shall be returned less 110% of any amounts estimated to be needed to complete unaccepted work. At any time prior to completion of the warranty period or one year after any repairs or replacement, whichever is longer, the Utility Manager may notify the permittee in writing of any needed repairs or replacements. Such repairs shall be completed within twenty-four hours if the Utility Manager determines that any defects are an imminent danger to the public health, safety or welfare. Non-emergency repairs shall be completed within thirty days after notice.

(b) In Zones 2 and 3 the Utility Manager will ordinarily inspect activities and uses for which notice to the City has been given approximately once each year.

(c) Testing. Testing may be accomplished by the City as required by the specifications and/or permit.

#### 1.17. ENFORCEMENT.

(a) Right of Entry. Whenever necessary to make an inspection, or to enforce any provision of this Ordinance, an authorized representative of the City may go upon any land described in a permit at any reasonable time to inspect the same or to perform any duty imposed hereunder, provided that the representative shall identify himself and if such land be unoccupied, shall make a reasonable effort to locate the applicant or other persons having control of such land to give notice of such entry.

(b) Stop Work Order. Whenever any work or activity is being done contrary to the provisions of this Ordinance, or in violation of the terms of any Watershed Work Permit issued hereunder, the Director or Utility Manager may order the work stopped by notice, in writing served on the applicant or any person engaged in or causing such activity to be done or by conspicuous posting at the location of the work. Any such person receiving notice shall cease such activity until authorized by the City to proceed. The City reserves the right to revoke or suspend any permit issued hereunder if work is not done in accordance therewith. Any permit may be revoked or suspended by the Utility Manager, after email, telephone or similar notice to the permittee.

(c) Cause for suspension or revocation includes but is not limited to:

1. Violation of any condition of the permit or of any provision of this Ordinance.
2. Violation of any provision of any Watershed Work Permit or any other governmental law relating to the work.

3. Existence of any condition or the doing of any act, which constitutes or causes a condition that the Utility Manager or Director determines endangers the watershed or waterworks of the City.

(c) A summary suspension or revocation of a permit necessary to avoid substantial injury to the City's watershed or waterworks shall be immediately effective upon notice to the person performing the work or the holder of the permit, or upon posting at a conspicuous location within or on the permitted area.

(d) A suspension or revocation order may be appealed by the permittee to the municipal court by filing a written appeal within ten days of the suspension or revocation. The municipal court shall hear the matter as a priority matter.

(e) The Municipal Court of the City shall have jurisdiction over matters and orders under this ordinance, except as otherwise required by the Colorado Rules of Civil Procedure 106(a)(4).

1.18. TIME OF COMPLETION. All permitted work shall be completed by the date stated on the permit application, or if no date is stated within 180 days of the issuance date. Permits shall be void if work has not commenced by 180 days after issuance.

1.19. INSURANCE. As a precondition to the issuance of a major or minor Watershed Work Permit in Zone 1, the applicant shall submit to the Utility Manager a certificate of insurance in an amount determined by administrative regulation or resolution of the City Council. The certificate of insurance shall list the City and its officers, employees and agents as additional named insureds. City departments, any public utility regulated by the Colorado Public Utilities Commission, governments, mutual water companies, and conservancy districts shall be relieved of the obligation of submitting a certificate of insurance if the applicant carries insurance or is self-insured up to one million dollars per incident, or as otherwise set by City Council resolution, and if such applicant submits a letter certifying such coverage or self-insurance.

1.20. EMERGENCY WORK. Any person having facilities in place as of the effective date of this Ordinance may repair those facilities without a permit under emergency circumstances. Emergency work means any work necessary to prevent injury to the public or a situation where a credible danger to public or private health, safety or welfare exists. The person doing the work shall apply to the Utility Manager for a permit on the first working day after such work has commenced.

1.21. REGULATIONS. The City Council may issue regulations to interpret, clarify, construe and otherwise carry out the purposes of this Ordinance.

1.22. ACTIVITY IN PROGRESS. The lawful use of any building, structure or land existing as of the effective date of this Ordinance may continue even though the use does not conform to the requirements of this Ordinance; except to the extent that any such use or activity constitutes a reasonable risk of pollution to a Zone 1 Watershed. Ordinary repairs and maintenance of any existing building, structure or land shall be allowed but the same shall not be allowed to expand and/or the use change without a

permit pursuant to this ordinance. Any substantial change, expansion, alteration or enlargement of such existing lawful use shall be subject to all requirements of this Ordinance.

1.21 APPEALS PROCEDURE. Any decision rendered pursuant to this ordinance by the Utility Manager may be appealed to the Director in accordance with §38-68 of the City Code.

1.22. PENALTY. If any person violates, causes the violation of, or aid or abets a violation of any of the provision of this Ordinance, he/she/it shall be guilty of a separate offense for each and every day, or portion thereof, during which a violation is committed, continues or is permitted. Upon conviction a violator shall be punished by a fine of not more than \$1000.00 and/or by imprisonment for up to one year, or by both such fine and imprisonment, for each day or portion thereof, of each violation.

1.23. ACTIONS FOR VIOLATION. If any person violates any order of the Utility Manager, Director, or City Council, or otherwise fails to comply with any provision of this Ordinance or the orders, rules, regulations and permits issued hereunder, the City Attorney may commence an action in a municipal court or district court for Mesa County for appropriate civil, including but not limited to injunctive and equitable relief. The City may recover from the defendant its attorney fees, court costs, deposition and discovery costs, expert witness fees and other expenses of investigation, enforcement action, and litigation, if the City settles or otherwise prevails in the action with a ruling adverse to the defendant being entered.

1.24. REMEDIES. The remedies herein provided shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

1.25. APPEAL OF COUNCIL DECISION. Any person desiring to appeal any final decision or determination by the City Council or the Director hereunder must do so in accordance with Colorado Rule of Civil Procedure 106(a)(4).

INTRODUCED for FIRST READING and PUBLICATION this 2<sup>nd</sup> day of April, 2003.

PASSED on SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

ATTEST:

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

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