

**GRAND JUNCTION CITY COUNCIL
WORKSHOP AGENDA**

**MONDAY, JULY 18, 2005 7:00 P.M.
CITY HALL AUDITORIUM, 250 N. 5TH STREET**

MAYOR'S INTRODUCTION AND WELCOME

7:00 COUNCILMEMBER REPORTS

7:10 CITY MANAGER'S REPORT

7:15 REVIEW FUTURE WORKSHOP AGENDAS [*Attach W-1*](#)

7:20 REVIEW WEDNESDAY COUNCIL AGENDA

7:30 CITIZEN SURVEY REPORT: Presentation of the City's 2005 Household Survey by Dr. Jerry Moorman [*Attach W-2*](#)

8:05 LISTENING TO BUSINESS REPORT: Discussion of the Report and guidance on the suggested work program and actions. [*Attach W-3*](#)

8:40 DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT: The City Clerk and City Attorney will review the process and the next steps required if the proposed District is formed by the City Council following the public hearing in August. [*Attach W-4*](#)

9:05 UPDATE ON GRAND JUNCTION STORM WATER ORDINANCE: 5-2-1 DRAINAGE AUTHORITY: An update on a proposed Storm Water Ordinance and on the status of the 5-2-1 Drainage Authority. [*Attach W-5*](#)

ADJOURN

Attach W-1
Future Workshop Agenda

FUTURE CITY COUNCIL WORKSHOP AGENDAS

(13 July 2005)

* AUGUST 1, 2005 MONDAY 11:30 AM at TWO RIVERS CONVENTION CENTER
11:30 PLANNING COMMISSION

AUGUST 1, 2005 MONDAY 7:00PM

7:00 FORUM WITH ELECTED OFFICIALS AND OTHER OFFICIALS TO
DISCUSS THE IMPACTS OF REFERENDUMS C & D (November ballot)

• AUGUST 10, 2005, 11:30 AM: ANNUAL PERSIGO MEETING WITH MESA
COUNTY at the HOLIDAY INN

* AUGUST 15, 2005 MONDAY 11:30 AM at Riverside Parkway Office
11:30 RIVERSIDE PARKWAY UPDATE

AUGUST 15, 2005 MONDAY 5:00PM at TWO RIVERS CONVENTION CENTER
5:00 BEGIN CAPITAL IMPROVEMENT PLAN REVIEW
6:00 DINNER
6:45 CONTINUE CIP REVIEW AND CONFIRM BUDGET CALENDAR

* ~~SEPTEMBER 5, 2005 MONDAY 11:30 AM & 7 PM~~ Canceled for Labor Day
Holiday

* SEPTEMBER 19, 2005 MONDAY at TWO RIVERS CONVENTION CENTER
11:30 ALL ECONOMIC DEVELOPMENT PARTNERS
►1:30 KANNAH CREEK WATER SHED TOUR
4:30-5 DINNER

* OCTOBER 3, 2005 MONDAY 11:30 AM
11:30 OPEN

OCTOBER 3, 2005 MONDAY 7:00PM

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 AVALON THEATER REPORT BY DR. JERRY MOORMAN
- 8:10 STRATEGIC PLAN UPDATE

*** OCTOBER 17, 2005 MONDAY 11:30 AM**

11:30 OPEN

OCTOBER 17, 2005 MONDAY 7:00PM

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 APPOINTMENTS TO BOARDS & COMMISSIONS

↗ BIN LIST ↖

1. Request to meet with IDI to discuss Bookcliff Technology Park (after City Council retreat)
2. New gymnasiums and intergovernmental agreement with School District 51
3. Communications Update
4. Botanical Gardens

2005/6 Department Presentations to City Council

September	Tour City's watershed in the Kannah Creek area (19 September)
October	Customer Service (Administrative Services Department: <u>October 3?</u>)
November	Tour of the Police Department Crime Lab
December	Fire Department
January	Two Rivers Convention Center and the Avalon Theater

**Attach W-2
Household Survey**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		Household/Citizen Survey				
Meeting Date		18 July 2005				
Date Prepared		14 July 2005			File #	
Author		Dr. Jerry Moorman				
Presenter Name		David Varley and Dr. Jerry Moorman				
Report results back to Council		<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name
<input checked="" type="checkbox"/>	Workshop	<input type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
		<input type="checkbox"/>			<input type="checkbox"/>	Individual Consideration

Summary: Presentation of the City's 2005 Household Survey

Action Requested/Recommendation: No action required.

Attachments: The Household Survey Executive Summary. The entire survey report will be posted on the City's website (www.gjcity.org).

Background Information: Dr. Jerry Moorman will present and discuss the results of the City's most recent Household Survey. In 2002 the City conducted its first Household Survey. The purpose of the survey was to determine citizens' perceptions regarding their views of living in Grand Junction and various City services. This survey proved quite helpful and interesting and it was decided that such a survey would have more meaning and validity if it was conducted on a regular basis. Since 2002 the City has conducted this survey every two years. The current survey was conducted in April 2005 and the data can now be compared across three surveys during the past six years.

CITY OF GRAND JUNCTION HOUSEHOLD SURVEY 2005

EXECUTIVE SUMMARY

The City of Grand Junction contracted Dr. Jerry Moorman, marketing research consultant, to conduct a mail-based, self-reported opinion survey of City residents to determine their perceptions regarding certain aspects of living in Grand Junction. The survey was a follow-up project to research done in 2001 and 2003. The intent was to not only measure opinions in 2005 but to provide longitudinal data between the three surveys. The areas of greatest interest were:

- quality of life,
- conditions and services in Grand Junction,
- drinking water,
- safety, and
- City of Grand Junction employees.

Included in the following report are research methodology, an explanation of statistical accuracy, survey results including data analysis and explanation, and instrumentation.

Meetings with City Administrators started in January, 2005, to plan the research project. The questionnaire used in the previous studies was reviewed by the consultant and the City. Very minor changes were made to the questionnaire and it was approved in final form (Appendix A) by the City.

A decision was made by the City to mail the questionnaire to an unduplicated list of all utility customers. Questionnaires were mailed on April 19, 2005. Respondents were given seven days to return the instrument. An actual cut-off date of May 10, 2005, was established for receipt of questionnaires that would be used in final data analysis.

A data-entry system was designed, created, and tested by the researchers for use in analyzing data. Data entry began immediately and continued throughout the process. Data entry utilized a two-level verification process. After the data were entered, they were hand-checked a second time for accuracy. This process was necessary because of the large volume of data. Approximately 125,160 items had to be entered to create the final data pool.

After the data were entered and verified, it was analyzed using SPSS 11.5, one of the most academically respected statistical software packages available. The

primary statistical procedures used were descriptive statistics, crosstabulations, and analysis of variance.

The survey yielded 4,470 completed questionnaires. Using the number of surveys mailed, the survey yielded a confidence interval of 1.33 at the 95% confidence level. When this survey was conducted in 2001, the confidence interval was 1.60. For the 2003 survey, the confidence interval was 1.47. Since these numbers have little meaning to the average reader, I have included a brief explanation of each.

The confidence interval is the plus-or-minus figure often reported in media opinion poll results. For example, if you use the survey's confidence interval of 1.33 and 50 percent of your sample picks an answer, you can be "sure" that if you had asked the question of the entire relevant population, between 48.67% ($50 - 1.33$) and 51.33% ($50 + 1.33$) would have picked that answer.

The confidence level tells you how sure you can be. It is expressed as a percentage and represents how often the true percentage of the population who would pick an answer lies within the confidence interval. The 95% confidence level means you can be 95% certain; the 99% confidence level means you can be 99% certain. Most researchers use the 95% confidence level.

When you put the confidence level and the confidence interval together, you can say that you are 95% sure that the true percentage of the population who would pick the answer is between 48.67% and 51.33% (using the example above).

A confidence interval of 5 is usually the accepted norm in opinion-based research. The lower the confidence interval, the better. The confidence interval of this research, 1.33, is extremely low and indicates a very high degree of accuracy.

The presentation of data in the report follows the order found in the questionnaire. Descriptive data and explanations are included for each section. Where percentages are reported, either "percent" or "valid percent" was used as the researcher deemed appropriate. Crosstabulations are included where it is useful to examine sub-group responses. A section on significance testing using analysis of variance is also included.

As variance within categories is reported, the following definitions were used:

little variance: 0 - .19; minor variance: .20 - .49;
moderate variance: .50 - .99; high variance: 1.0 and up.

Respondents were asked to use a rating scale of 1 - 5 while completing most questions on the questionnaire. The number 1 represents a "poor" rating while 5 represents an "excellent" rating. Respondents could pick any number from 1 - 5

or N/O for “no opinion.” After the 23 questions were answered, demographic data were gathered.

Data from the both the 2001 and 2003 Household Surveys are also presented in most tables for longitudinal comparison purposes. With the exception of minor changes in two questions between the 2001 and the subsequent surveys, the Household questionnaires are the same. By placing results from all three years together, the reader can readily identify longitudinal changes over time. To examine changes across the three survey periods, analysis of variance (ANOVA) statistical analysis was computed where appropriate to determine statistically significant changes. Those significant changes are discussed as suitable. Complete significance tables and a glossary of significance testing terms are included in Appendix B for readers desiring more in-depth information.

DATA HIGHLIGHTS

An overwhelming percentage (79%) of Grand Junction households rated quality of life as good or excellent in 2005. This is down a little from 2003. A very small percentage (2.9%) rated quality of life as poor or below average. This is up a little from 2003. In 2005, there was minor variance in quality of life based on Zip Code of residence.

Grand Junction households were asked the question, “In general, how well do you think the City of Grand Junction provides services?” An above average rating of 3.70 was achieved. This was a little decrease from 2003 when the mean was 3.74. In 2005, there was moderate variance in provision of services based on Zip Code of residence: 81504 was lowest at 3.43; 81502 was highest at 4.00. Upward movement occurred in four of the seven means from 2003 data.

Next, households were asked to rate individual City services. The following table provides an overview of the responses.

City Services	2001 Mean	2003 Mean	2005 Mean
Street Maintenance and Repair	3.27	3.26	3.20
Street Sweeping	3.24	3.53	3.42
Traffic Management	2.89	2.88	2.93
Fire Protection	4.03	4.18	4.20
Emergency Medical Services	4.13	4.24	4.20
Delivery of Police Services	3.63	3.68	3.55
Enforcement of Traffic Laws	3.20	3.12	3.03
Crime Prevention	3.28	3.23	3.20
Appearance of City Parks	4.27	4.09	4.11
Recreation Programs	3.90	3.91	3.93
Trash Collection	4.16	4.28	4.25
Weed Control	2.98	2.86	2.79
Junk and Rubbish Control	3.15	3.08	2.88
Storm Water Collection System	2.49	3.20	3.45
*Water Service		4.14	4.09
*Water Quality	3.76		

*The question on water was reworded in 2003 and added in the City Services block of questions in both 2003 and 2005.

Households felt some City services were provided better than others. Opinions ranged from a low means of 2.79 for Weed Control to a high means of 4.25 for Trash Collection. Several others including Fire Protection, Emergency Medical Services, Appearance of City Parks, and Water Service were above the 4.0 level. Ten ratings decreased from 2003 and five increased.

When all three survey periods are examined, Street Maintenance and Repair, Enforcement of Traffic Laws, Crime Prevention, Weed Control, and Junk and Rubbish Control all had downward trends. Three of the five, however, have means above the rating mid-point reflecting above average ratings. Junk and Rubbish Control, however, dropped below the rating mid-point in 2005 reflecting less than average ratings.

Fire Protection, Recreation Programs, and Storm Water Collection System all had upward trends. It is noteworthy that Storm Water Collection System increased from a mean of 2.49 in 2001 to a mean of 3.45 in 2005.

In addition to examining overall means for services, crosstabulations were conducted to examine delivery of individual services based on Zip Code of residence. All crosstabulations are included in the report. Analysis indicated moderate variance based on Zip Code of residence in the following services:

Street Maintenance and Repair, Street Sweeping, Junk and Rubbish Control, Storm Water Collection System, and Quality of Water Service. With the exception of Junk and Rubbish Control, all means are above the rating mid-point in 2005.

There were minor changes made to this section of the questionnaire in 2003. A new question, "Who Supplies Your Trash Collection?" was added. Data in 2005 reveal that the City supplies trash collection to 57.6% of respondents.

In 2003, two changes were made regarding water. The first change reworded the question from "How Do You Rate The Quality of Your Drinking Water?" in 2001 to "How Do You Rate The Quality of Your Water Service?" in 2003. Overall mean in 2003 was 4.14. In 2005, the overall mean was a little lower at 4.09.

The second change regarding water dealt with suppliers. The 2003 question provided only two options: City and Other. There was little variance in the 2003 respondents' answers with means of 4.13 and 4.14 respectively. In 2005, the means were 4.12 for the City and 4.06 for Other.

The next question concerned neighborhood safety. With a 2005 mean of 3.96, overall perception remains high that someone walking in a City neighborhood is safe. This mean was 3.97 in 2001 and 2003. Several crosstabulations were conducted on 2005 data to further investigate neighborhood safety and are included in the report. Data generally support that residents across all ages feel someone would be safe walking in their neighborhood.

The next three questions were preceded by the statement, "If you have had telephone or in-person contact with a City of Grand Junction employee within the last 12 months, please rate the following three employee traits by circling the number that most closely represents your opinion. N/O represents no contact."

Again in 2005, data support that City employees are very courteous and provide services in a timely and helpful fashion. All means are above the mid-point. Each shows a little downward movement from 2003. Several crosstabulations were conducted to further examine City employee traits and are included in the report. There is moderate variance in the three areas based on age.

The next section of the report dealt with statistical significance testing using analysis of variance. Questions 1-13, 15-17 and 20-23 were examined across the three rating periods to determine if the results were statistically significant based on year of survey.

	2001 Mean	2003 Mean	2005 Mean	Significance
Quality of Life	4.02	4.05	4.01	.093
Provision of Services	3.62	3.74	3.70	.000*
Street Maintenance and Repair	3.27	3.26	3.20	.002*
Street Sweeping	3.24	3.53	3.42	.000*
Traffic Management	2.89	2.88	2.93	.100
Fire Protection	4.03	4.18	4.20	.000*
Emergency Medical Services	4.13	4.24	4.20	.000*
Delivery of Police Services	3.63	3.68	3.55	.000*
Enforcement of Traffic Laws	3.20	3.12	3.03	.000*
Crime Prevention	3.28	3.23	3.20	.003*
Appearance of City Parks	4.27	4.09	4.11	.000*
Recreation Programs	3.90	3.91	3.93	.409
Trash Collection	4.16	4.28	4.25	.000*
Weed Control	2.98	2.86	2.79	.000*
Junk and Rubbish Control	3.15	3.08	2.88	.000*
Storm Water Collection System	2.49	3.20	3.45	.000*
*Water Service		4.14	4.09	NA
*Water Quality	3.76			NA
Neighborhood Walking Safety	3.97	3.97	3.96	.908
City Employee Courteousness	4.05	4.14	4.12	.012*
City Employee Helpfulness	3.90	4.01	3.98	.005*
City Employee Timeliness	3.72	3.87	3.86	.000*

*Statistically Significant at the .05 level

A finding is described as **statistically significant** when it can be demonstrated that the probability of obtaining such a difference by chance only, is relatively low, usually less than 5 out of 100.

There were 16 statistically significant differences among the 20 questions tested. (See Appendix B for complete results by question) It is important to note, however, that only three of the 20 means were below the rating mid-point of 3 on

the 1-5 scale. Any rating above the mid-point is generally viewed as a positive rating. Of the three below the mid-point, traffic management is showing a little overall increase over the three survey periods while weed control is showing a little overall decrease and junk and rubbish control is showing a minor overall decrease. The biggest decreases over the three-year period were in junk and rubbish control (-.27), weed control (-.19), and enforcement of traffic laws (-.17). In the report, trend data is discussed for each individual question.

The next four questions concerned respondent demographics. In 2005, respondents were majority female (53.5%) with 5.1% of respondents not answering this question. Gender distribution was closer in 2003 than 2005

In 2005, 49.2% of respondents were 60 years of age and older, with 28.9% 70+. This is a decrease from 2003 when 49.7% of respondents were 60 years of age and older, with 30.7% 70+.

In 2003, 46.5% had lived in Grand Junction 21+ years and 33.3% had lived in Grand Junction 10 years or less. In 2005, 45.5% had lived in Grand Junction 21+ years and 33.1% had lived in Grand Junction 10 years or less.

As in 2003, 2005 Zip Code distribution was not even with small responses from 81502 (.2%), 81503 Orchard Mesa (5.5%), and 81505 (7.7%). The number of respondents from each Zip Code area should be carefully factored into any conclusions reached based on research data.

The last part of the questionnaire gave the respondents a chance to make "Other Comments." This important communication tool was used by many people. Comments have been recorded in an electronic format and provided separately.

SUMMARY

Research results leave little doubt that Grand Junction households, with few exceptions, enjoy a very good quality of life. Perception of overall services was above average, quality of water service was high, the City's neighborhoods were considered exceptionally safe, and City employees were courteous, timely and helpful. Data strongly suggest household respondents consider Grand Junction a great place to live. Even though many of the changes between the three surveys are statistically significant, an examination of means generally shows an above average opinion of City services, safety, and employee traits.

**Attach W-3
Listening to Business Report**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Listening to Business Report					
Meeting Date	July 18, 2005					
Date Prepared	July 13, 2005				File #	
Author	Sheryl Trent		Business Incubator Center			
Presenter Name	Sheryl Trent Georgann Jouflas		Assistant to the City Manager Listening to Business Program Manager			
Report results back to Council		No	x	Yes	When	Quarterly
Citizen Presentation		Yes	x	No	Name	
x	Workshop		Formal Agenda		Consent	Individual Consideration

Summary: Listening to Business is a pilot program conducted by the Economic Development Partners. One hundred local businesses were interviewed and the results entered into a software database that has been used to conduct surveys nationally. The program took a year to complete and the results are now available for review and comment. Several suggestions were offered in the report and outlined more specifically here.

Budget: Many of these suggestions will require a budget allocation, but at this time staff is looking for Council direction and guidance, and will return with detailed programs and budgets at a later workshop.

Action Requested/Recommendation: That the City Council consider the Listening to Business Report, offer feedback and comments, and offer guidance on the suggested work program and actions.

Attachments: Listening to Business Report

Background Information: Please see the attached report. Many of the suggested areas identified and steps outlined are already a part of the City of Grand Junction's economic development strategy. Staff would request guidance and will return to the City Council with specific detail, staff assignments, timelines, and suggested budgets based on that feedback.

Steps the City of Grand Junction Could Implement

Continue to support identified strengths. The strengths pointed out in the report included the quality of life issues (climate and location) as well as the agencies that address local business needs. The City can continue our current efforts to support and enhance those efforts. This is also a part of our stated Economic Development Strategy.

Continuing to staff the Listening to Business Program. This effort should be undertaken in a financial partnership with ED Partners and determined at the next ED Partners meeting.

Creation of a full time position to assist Grand Junction businesses with the anticipated growth and expansion. The position would be specific to the City functions and responsible for working with business owners (or their representatives) to understand local government regulations and policies and serving as an “ombudsman” to the community for the entire development process. This would include working with the building code, fire code, zoning and development code, transportation code, and other applicable policies.

Education and Training. A key component of this “ombudsman” position will also be the education, public relations efforts, and training for applicants on City regulations and processes. Even if a full time position is not approved by the City Council, this process needs to take place. Part of this can happen through our existing public relations efforts, such as the one staff has been implementing for Community Development. The focus would be more specific to the development review process. This is also a part of our stated Economic Development Strategy.

Develop a corporate liaison. The City of Grand Junction has existing staff that could fulfill that function within existing budget. Should Council determine that would be a direction to proceed staff can provide a plan in conjunction with ED Partners.

Enhanced Community Development customer support. This would include the addition of staff (planners, legal, engineering, and administrative support staff) in the development review process. While this is a part of the budget request, that does mean that new staff won't be in place until February of 2006 at the earliest, and possibly not familiar with our City processes until several months past that point. It may be a consideration of the Council to authorize the hiring of additional staff prior to the formal budget process. In addition, all Community Development staff will enter a specialized customer service training over the next year. A decrease in stress and work load will also contribute to a better customer service atmosphere. This is also a part of our stated Economic Development Strategy.

Enhanced Community Development processes. The Community Development Department is currently reviewing the procedures used in issuing development approvals, and will be compiling that data with the help of an intern into a manual. This will assist existing and new staff in ensuring consistency. The Department is also considering changes to the development review process. This is in direct response to concerns from the business community regarding the time frame and also staff concerns about adequacy of applications (whether it meets the City requirements for submittal) This includes how projects are checked in, ensuring complete applications prior to review, limiting review to code items, and other issues. The goal of this change is to have a complete and thorough application upon first submittal based on submittal requirements that have been established by the City Council: SSID's manual (Submittal Standards for Improvements and Development manual) and TEDS (Transportation Engineering Design Standards). This will greatly decrease the time frame for staff response and review. This is also a part of our stated Economic Development Strategy. However, it may result in many applications not being accepted upon submittal if they do not meet the requirements in the Code.

As an historical overview, the process was changed in 2002 regarding the submittal of applications. The City before that time accepted applications only once a month and assigned a Planning Commission date (if required) at that time. This frequently resulted in approvals with long lists of conditions that had to be monitored and cleared by staff. The Community Development Director, after public input and review by the City Council, made the administrative change to accept applications at any time and work with applicants until all code requirements are met prior to any administrative approval or public hearing.

Changes in the code. The City Council adopts the Zoning and Development Code, and could consider changes to that code. Staff does not suggest any specific changes at this time. The landscaping code for industrial applicant was changed in 2004, and the entire Zoning and Development Code was rewritten in 2000. Zoning code changes will all be codified during the City-wide process, and once that is complete suggested changes can be taken quarterly. Staff is working with Georgann Jouflas to obtain significant details about code concerns expressed in the report, and will return to the City Council depending upon that information and any other specific feedback the community or Council may have. This is also a part of our stated Economic Development Strategy.

Steps the City of Grand Junction Could Support

Low cost, high speed internet in industrial areas. While the report focused on cable as an alternative, there are other potential solutions to this issue. This should be referred to ED Partners to develop options and solutions.

Networks for manufacturers is an issue that should be referred to ED Partners for consideration and action. This should help the strengthening of communication between industry and workforce training entities.

Workforce issues. Some of those identified included work ethic, recruitment of mid-level managers, and technical aptitude. This issue should be referred to the Workforce Center, Mesa State, UTEC and ED Partners for consideration and action. Mesa State and UTEC should be invited to become formal ED Partners. This is also a part of our stated Economic Development Strategy.

Quality of local schools. The City of Grand Junction already partners with the school district to improve local school facilities and we should continue those efforts. School District 51 should be invited to become a formal ED Partner. This is also a part of our stated Economic Development Strategy.

Land costs/site development/infrastructure/space needs. This issue requires further discussion and deliberation as to the identified needs of businesses and the realtors and developers in our area. A local committee could be formed to help the Council identify and offer solutions to this concern. This is also a part of our stated Economic Development Strategy.

Critical mass. The City should continue to work with local economic development agencies to assist in locating and expanding businesses to build the local manufacturing base and attract services that would be beneficial to that group. This is also a part of our stated Economic Development Strategy.

Develop a comprehensive vision. This could be an addition to the City's process of developing a strategic plan for economic development and could utilize the same consultant. That may lower the overall cost of the project for ED Partners. This would include the step of taking an internal inventory of ED Partners. This is also a part of our stated Economic Development Strategy.

Develop a mechanism to measure the specific sectors. This action should be referred to ED Partners for review and action. It could be a component of Mesa State's efforts in the Research Bureau, and staff recommends that Mesa State College be invited to become a formal ED Partner.

Final Report

Listening to Business in Mesa County, Colorado

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EXECUTIVE SUMMARY

The Listening to Business (LTB) Program is a pilot project being conducted by ED Partners, a group of public and private organizations focused on implementing unified economic development strategies in Mesa County. Over the past ten months the program has interviewed 100 primary employers (businesses that receive the majority of their income from outside the community) in the manufacturing, energy, healthcare, value-added agriculture, and transportation industries.

The LTB program used the e-Synchronist software program as a tool to collect and analyze the data. This software gathers perceptions in areas of product, markets, industry, management, workforce, and service provided by this community.

This survey revealed a very healthy business climate with businesses anticipating tremendous growth. This is reflected in three year projected

- **investment of \$198,184,000 capital**
- **creation 1883 jobs**
- **development of 1,050,200 in additional square feet in productive space**
[These numbers do not include an additional \$205,499,000 investment in an 375,000 square foot expansion that was announced after one company was interviewed]

Factors contributing to this growth were revealed in the specific sections of the survey. The first section of the study shows that the companies interviewed are in competitive markets where **production improvement** and **product innovation** are commonplace; all the companies are constantly adapting to their marketplace in order to remain competitive. These factors along with **exploiting niche markets** have contributed to survival and their growth within the local economy.

Sales of the interviewed companies have a strong growth trend due increasing market share and growing markets. This growth was fueled by

- innovation,
- superior quality,
- responsiveness to market needs,
- cost control, and
- exploiting niche markets.

Growth in sales has led to the huge projected investment in equipment, employees, and buildings over the next three years as detailed above. These positive trends do pose some risk to the community since **a majority of companies are out of room to grow** at their current sites. If local real estate and development costs are too high, these companies could be tempted to relocate in more cost effective communities.

The industry sectors in which these companies operate are growing as well; therefore many companies are subject to industry consolidation pressures and could be purchased by larger companies and become consolidated within that company. The community risks the loss of these companies when the acquiring companies compare cost of doing business in Mesa County to other locations. Industry growth is being spurred by **lack of production capacity available in the industry to service growing markets**. This is most pronounced in the energy and healthcare industries.

The ability of government entities to affect this growth is seen as equally positive and negative from a legislative perspective. The legislative issues seen as potential opportunity to benefit and/or cause for concern include:

- tax reform,
- healthcare cost containment,
- environmental regulation,
- cost increased due to homeland security and corporate regulation changes.

Management of local companies is projecting significant growth for their companies over the next three years spurred by the product, market and industry trends outlined above. The confidence in the community's ability to support that growth is brought to light with their perceptions of the community's strengths and weaknesses. The strengths of this community as a place to do business are primarily intrinsic to its size and location: The top three community strengths include:

- quality of life,
- climate, and
- location

Assistance in growth and innovation provided by

- the Business Incubator Center,
- an economic workforce, and
- Mesa State and UTEC programs targeting training for specific industries

are also viewed as strengths of this community.

Community weaknesses in being able to support the huge potential growth of these businesses are based primarily on items that add cost to doing business. These weaknesses include:

- local planning agencies,
- lack of services available to manufacturers, and
- workforce training and recruitment issues.

The perceived weaknesses highlight opportunities where ED Partners could assist in the growth in existing businesses by mitigating these barriers to growth.

Workforce issues are dominated by a perceived lack of work ethic in the local workforce, though all of the employers interviewed rate their specific workforce as very productive. Most of the companies are spending an increasing amount of their resources to train the workforce to their specific needs.

Recruiting issues center on:

- obtaining higher lever management and technical employees, and
- training a workforce that understands the reality of how businesses operate.

These workforce perceptions provide an opportunity for education and training entities to be more responsive to existing business by better understanding and providing for their needs.

The businesses interviewed were satisfied with most services provided by the community. Property taxes and issues with planning departments have the most potential for improvements.

The local availability certain services raises the cost of doing business in Mesa County. Identifying these services and facilitating their development could strengthen the whole economy. The specific services identified in this pilot project include:

- cardboard suppliers,

- anodizing, and
- shipping consolidator.

While many of the strengths of this community are not due to targeted development activities, the competitiveness and huge anticipated growth of existing business, as well as the attraction of new complementary industries, can be significantly influenced by economic development decisions.

Most businesses interviewed did not ask for incentives from ED Partners, but instead suggested these groups work to remove the “disincentives”. ED Partners can play a part in facilitating the growth projected by these companies by helping to mitigate the four main “disincentives” that have been identified by this survey:

- planning inefficiencies,
- tax (personal property and real estate),
- lack of critical mass adding to the cost of manufacturing, and
- workforce training.

The Listening to Business program reveals the tremendous potential for growth in our local economy. The survey results have also highlighted the opportunities for ED Partners to align their resources and implement a unified economic development strategy in Mesa County targeting strengths, weaknesses, opportunities and threats identified in this study.

METHODOLOGY

The Listening to Business (LTB) Program is a pilot project launched by ED Partners, a group of public and private organizations focused on implementing unified economic development strategies in Mesa County. The project was also facilitated by the Colorado Office of Economic Development which has purchased the master license for e-Synchronist software. The LTB program used the e-Synchronist software package as a tool to gather, analyze, and report company data. This software provides a standardized questionnaire to ensure a consistent collection format and the ability to compare the data collected. This software is being used by business retention and expansion programs throughout Colorado and nationwide giving us relative comparisons and perspective to some of the data gathered. The interview process also provided a networking and learning opportunity for the business leaders that participate in the interviews. Each interview was conducted by the program coordinator accompanied by up to two volunteers from the participating ED Partners.

Listening to Business began interviewing companies in November 2004. The program has focused on companies from five industry clusters: manufacturing, transportation, healthcare, value-added agriculture, and energy. Additionally, the program centered on businesses that receive the majority of their revenue from outside of Mesa County. These employers, in turn, hire local workforce who buy supplies and services locally, thereby fueling the growth of the local economy. Nationally, primary employers represent 17% of the economy. In Mesa County the number of employers fitting these criteria is not readily available. An estimate based on portions of the industry sectors traditionally export-oriented would be 10 to 13%, with an average annual wage of \$35,650. Research shows that primary employers have an average higher wage rate than the secondary employers represented by the retail and service industries. Since this sector represents “new dollars” into the county, growth in this area could exponentially improve the local economy.

The businesses that were selected to be interviewed by the LTB program were chosen from random lists with minor modification to those lists in order to ensure coverage of all industry clusters and a variety of company sizes.

The Listening to Business program is a sincere attempt to determine the needs and concerns of businesses in Mesa County so that these needs can be more effectively addressed by ED Partners. The goal of the LTB program is to find opportunities to align community economic development resources and to increase the success of local businesses and employment opportunities for residents of Mesa County. The program also identifies the opportunities and risks within the local economy and in doing so makes ED Partners more effective and efficient with limited economic development resources.

Perception Is Reality,,, Or Is It?

The Listening to Business program provides the opportunity to measure the perceptions of local business. The program made no efforts to determine if the complaints or concerns voiced by the businesses were factually accurate or isolated to the community. It is important to remember the importance of perception when making public policy. All of the concerns mentioned by the business are legitimate and can be approached in two ways by policy makers. If the perception is in fact a problem, the potential to improve the quality of the business environment exists. If the perception is a misunderstanding by the business or not a problem specific to this community, the potential exists for an educational opportunity.

Industry Sectors

During the pilot phase we have interviewed one hundred companies in the following sectors:

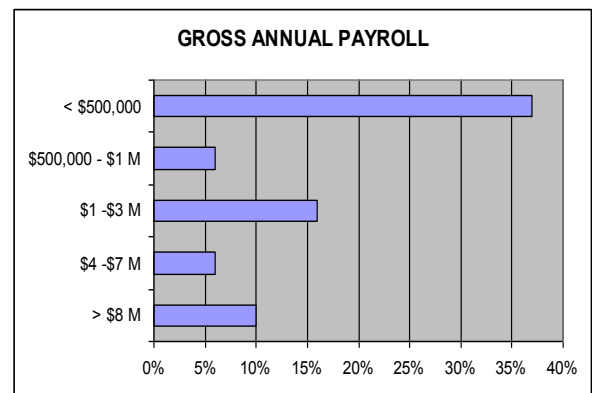
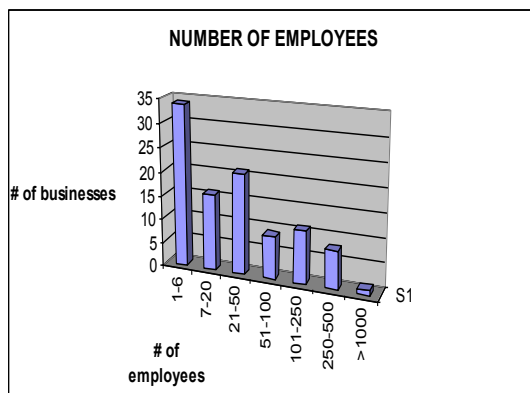
- **Manufacturing – 45**
- Energy – 20
- Value-added Agriculture – 15
- Healthcare – 10
- Transportation – 10

These numbers were determined based on both availability of interviewees and a rough estimate of total number of businesses in each segment. Though manufacturing was one of the selected industry clusters, it is important to note that many of the companies selected were manufacturers in one of the other industry clusters. Food (value-added agriculture), healthcare, energy, and transportation related manufacturers were all part of this survey and were retained in their categories but could be part of a broader manufacturing category. This broader manufacturing category contributes significantly to the local economy.

Size of Businesses

Eighty percent of the companies interviewed employ 100 employees or less. Eleven percent have between 100 and 250 employees; and the remaining 9 percent of companies employ over 250 employees, 1% employed over 1000 workers. (A more detailed breakdown is presented in the graph below) This breakdown is similar to the overall Mesa County economy. The majority of the businesses are privately owned (76%) and headquartered in Mesa County (73%).

Thirty-two percent (32%) have annual payrolls over one million dollars.



The e-synchronist survey has six sections probing issues regarding product, markets, industry, management, workforce, and community marketing factors. Results are presented in the order they were collected in the survey.

PRODUCT

The first section of the survey and analysis attempts to determine where the companies are in terms of their primary product's market. The responses incorporate past achievements, product life cycle, technological developments and amount of research and development each company is doing. This analysis provides a background of what the company has been through recently (past five years) and how they are positioned to capitalize on upcoming opportunities and changes.

Achievements

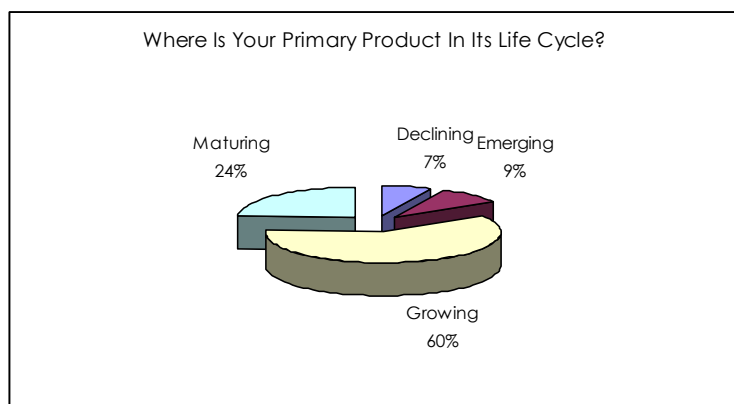
Forty percent (40%) of the companies saw **survival** as their company's greatest achievement in the past five years. Most of these companies were in markets that were significantly impacted by the downturn in the economy brought about by the September 11 terrorist attacks. It is interesting to note that many of these companies go on to say that surviving this period made their companies more productive using less resources and therefore more competitive and profitable. These companies feel that they are stronger and better poised to that advantage of current opportunities. Several of these companies (6%) were started within the last five years.

When asked about the company's greatest achievement in the past five years, thirty-seven percent (37%) saw **growth** as their greatest achievement. This was stated in terms of creating jobs, higher sales, and developing new markets. Significantly, many of these companies discussed exploiting niche markets as a source of their growth.

The third type of achievement mentioned by companies fall into production improvements and development of **new technology/products** category. Twenty-one percent (21%) of the companies interviewed had either developed new technology opening new markets or new technology has contributed to better production capabilities making them more competitive in their current markets.

When broken down by industry, the greatest achievements are as follows:

	Growth	Survival	New Technology
Manufacturing	23%	48%	27%
Transportation	40%	40%	20%
Healthcare	60%	30%	10%
Value-added Agriculture	40%	53%	7%
Energy	50%	25%	25%



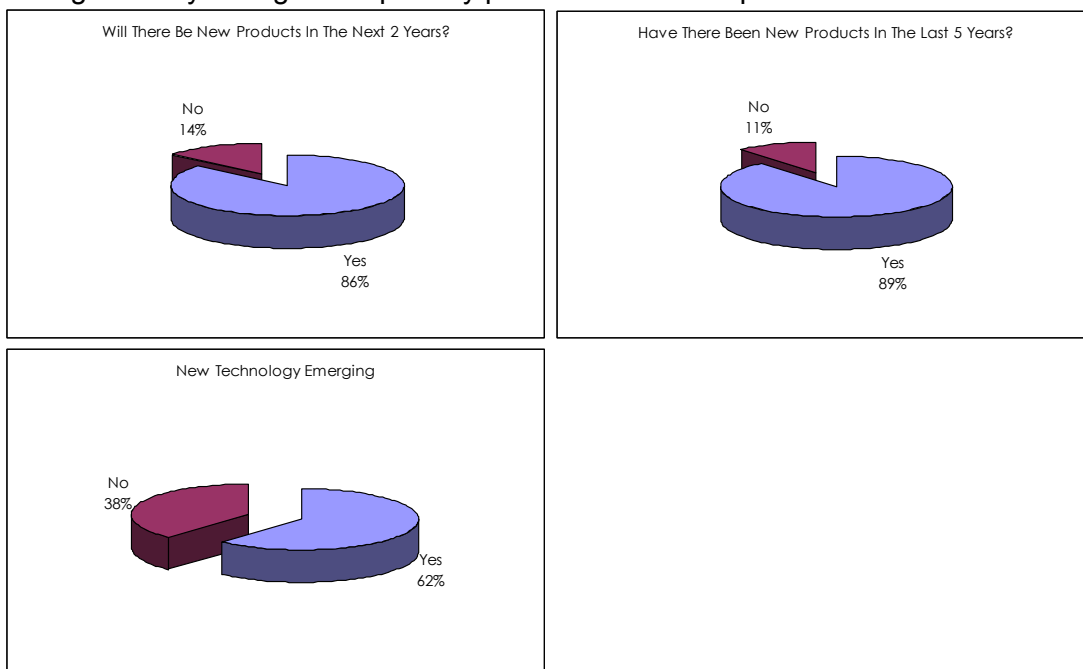
Life Cycle

The majority of companies (69%) interviewed put their primary

products in the emerging and growth stages of the product life cycle. While this is positive news in terms of sales potential, these stages of product development are characterized by large amounts of capital investment required for innovation and market development. These market factors require the companies to be very productive and efficient with their resources. Over 30% of the interviewed companies' products are in the maturing and declining stages of the life cycle. Most of these companies are in niche markets where they are the primary producer of the products. So while the overall market is declining, their sales have been increasing or stable because they have fewer competitors. There is intense pressure on these companies to reduce their costs in order to be competitive in the marketplace. Most companies in this category have been able to cut costs and remain competitive; two companies were relocating to other locations in order to further reduce their costs.

Technology and Development

The companies interviewed are not only in growing markets or have a niche in maturing markets, but they are also innovators in the marketplace, with a significant majority (89%) introducing products in the last five years and most companies planning on introducing new products in the next two years. Technological innovation will contribute to a large percentage, but not all, of this product innovation, with 65% of companies stating the emerging technology will significantly change their primary product or how it is produced.



Research and Development

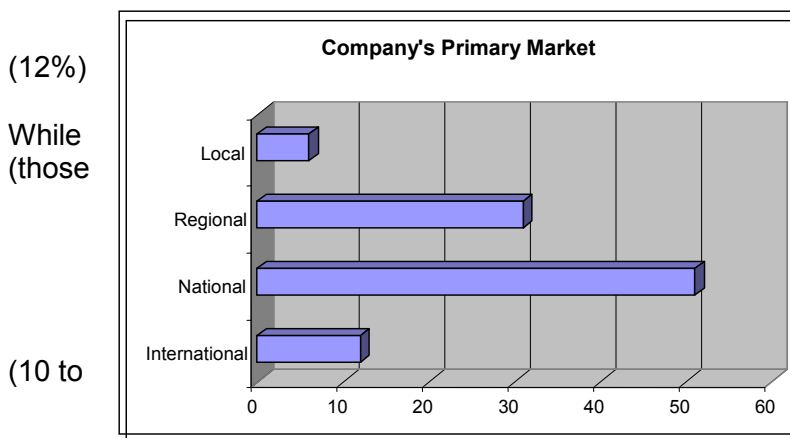
Eighty-eight percent (88%) of the companies interviewed are investing in research and development. This R & D investment results in the significant innovation in new product development and productivity improvements described above. The majority of these companies spend less than 6% of sales (45% spend less than 3%) on research and development. Most describe their research and development as being part of their ongoing business, not necessarily a distinct separate business function; therefore, this low percentage may be misleading. The research and development efforts are divided fairly equally between new product development, product improvement, and production improvement.

This first section of the study shows that the companies interviewed are in competitive markets where production improvement and product innovation are commonplace; all the companies are constantly adapting to their marketplace in order to remain competitive. These companies have evolved and survived by continuously improving their products and becoming more efficient in how these products are produced. These factors along with exploiting niche markets have contributed to their survival and their growth.

MARKETS

The next section of the survey provides insight into the how the companies are competing in their industries. Items such as market share, sales, plans for expansion, and international influences are discussed.

Forty-eight percent (48%) of the companies interviewed view their primary market as being national. Regional sales (Rocky Mountain states) make up the primary market for thirty-five



percent (35%) of the companies. Twelve percent of the companies serve international markets primarily. we targeted primary employers companies whose primary market are outside of the local economy) five of the companies stated that their primary market was local though they do get some sales (20%) regionally. Most of these companies were in the healthcare industry; these

companies do not directly track the source of their customers. Many of these companies are attempting to grow their regional markets.

The trend in the sample group towards innovation is creating increasing sales (81% report increasing sales) resulting in increasing market share for 75% of these businesses. This increase in market share was attributed to innovation, as well as superior quality, reputation, less overhead, being more responsive to customer needs, better marketing, certification (ISO), niche market, and being the last company servicing a market. Twenty-two percent (22%) see their market share as stable. This increase and stabilization in market share shows the companies to be successfully competing in their markets.

Sales and market share trends translate into 75% of the interviewed companies planning to expand within the next three years. It should be noted that 20% percent of the companies have invested in facility expansion in the past 5 years as well. Some of these companies that have recently expanded are still part of the 75% projecting future expansion. Significantly, 95% of the companies have made or will make considerable investment in the community within a five year time span.

It is significant to note that 54% of respondents say that they are out of space to expand at their current location. This will require purchase or lease of a new site. From a community perspective, this heightens the risk that a company could relocate if new space is not available or development is viewed as too expensive.

Projected Investment

	Estimated \$ Investment	Estimated New Jobs	Estimated New Space (sq ft)
High	\$50,000,000.	200	200,000
Median	\$500,000.	10	10,000
Low	\$4,000	1	1,000
Total	\$198,184,000	1883	850,200

Projected Total Investment by community

Area	\$ investment	Jobs	New Space
Clifton		4	4000
Fruita	\$1,405,000	90	1,500
Palisade	2,854,000	53	6,500
Grand Junction	\$193,925,000	1736	838,200

More useful information can be found when looking at this projected expansion broken down into industry clusters.

Projected Investment by Industry Cluster

	% of pricpnt	Projected Investment \$	Projected Emplymnt	Growth in emplmnt	% of sector expanding	Median Sq Ft expansion	Project newSqFt	Total
Value Added Ag	10%	2,854,000	63	36%	53%	5,000	10500	
Manufacturing	45%	27,570,000	469	30%	76%	6,000	436,700	
Energy	25%	42,735,000	586	47%	80%	4,000	57,500	
Healthcare*	10%	63,075,000	638	17%	90%	30,000	241000	
Transportation	10%	61,950,000	127	21%	80%	20,000	104,500	

- Value-added agriculture is projecting the least amount of expansion; most of their investment is in product storage and distribution improvements. The most common need for space is in the 4-6,500 sq ft range.

- Transportation is the next lowest in terms of expansion of workforce. The majority of the dollar investment in this category is from one company, much of this investment is in equipment being used out of state. The large increase of space is from the larger aviation and logistics companies. The most common need for space is in the 17-20,000 sq ft range.
- Manufacturing is predicting substantial investment in building and equipment. The most common need for space is in the 3-5,000 sq ft range.
- The energy industry is projecting substantially higher expansion in their employment base and will invest over \$23 million in equipment and improvements, with some building expansion. The most common need for space is in the 3-5,000 sq ft range.
- The healthcare sector projects the largest investment. Three of the companies interviewed are among the community's largest employers. Forty million dollars of this total investment, as well as 400 of the employment expansion come from two employers. **The number for healthcare do not include an additional \$205,499,000 investment in an 375,000 square foot expansion that was announced after this company was interviewed

International Markets

Thirty-one percent (31%) of the businesses are increasing their export sales; 20% have stable export sales and 48% have no export sales. The percentages are similar for companies importing components. Only 13% of companies have overseas production. Three of the seven companies producing products overseas own the production facility; the remaining are contract facilities.

International competitors control less than 20% of the market share for over 66% of the companies interviewed. While this shows minor influence of domestic markets, 38% percent state that overseas production in their industry is increasing, thus influencing domestic employment. This outsourcing trend may be slowing for some industries, in that 59% of interviewed companies state that overseas production by domestic competitors is stable.

Sales of the interviewed companies have strong growth trend due to increasing market share and growing markets. This growth was fueled by innovation, superior quality, responsiveness, cost control, and exploiting niche markets. This growth in sales has led to a huge projected investment in capital improvements, employees, and building over the next three years. This positive trend does pose some risk to the community because a majority of companies are out of room to grow at their current site. If local real estate and development costs are too high, these companies could be tempted to relocate in more cost effective communities.

INDUSTRY

The third section of the LTB questionnaire researched the viability and competitive factors of the industries in which these companies are competing. This section looks at factors internal to the industry such as consolidation and capacity as well as external influences of potential legislation and regulation.

As stated above most of the companies interviewed are in competitive industries. This is reflected by 97% of companies saying that merger, acquisition, and divestiture in their industry

is increasing. A trend for consolidation could mean local companies could be purchased. Again, this poses a risk that company being purchased could potentially be relocated.

Thirty-eight percent of companies interviewed (38%) say that production their industry is under capacity—there is not enough production capacity to fill market demand. This is reflected in the large projected growth for local businesses, particularly in the energy and healthcare industries. Another 41% find industry production capabilities as balanced; with 21% seeing their industries having too much production capacity. These companies are in intensely competitive markets where lower production costs are the only means for a company to remain viable.

Legislative and Regulatory Concerns

Fifty-six (56%) percent of companies are concerned about legislative issues negatively impacting their business. The legislative issues that had potential for negative impact included:

- Environmental regulations 20%
 - Drilling regulations 10%
 - Manufacturing regulations 10%
- Taxes 8%
- Medicare and Medicaid reform 7%
- Sarbanes-Oxley legislation 6%
- Regulation specific to wineries (Sunday sale of alcohol, interstate sales, content) 5%
- Healthcare costs, Tariffs, and Insurance each concern 2%

Forty-seven percent (47%) of respondents think that there may be legislation that will positively affect their business. The following were specifically mentioned:

- Tax cuts and tax reform (24%),
- Health care reform (17%),
- Business specific regulation (14%),
- Shipping of wine across state lines (10%),
- Trade/tariff reform (10%), and
- Changes to drilling regulation (7%).

The industry sectors in which interviewed companies operate are growing; therefore many companies are subject to industry consolidation pressures and risk being purchased by larger companies and becoming consolidated with that company. In these situations, the risk increases that community could lose that company if there is no competitive advantage in being located here. Industry growth is being spurred by lack of production capacity available in the industry to service growing markets. This is most pronounced in the energy and healthcare industries. The ability of government entities to affect this growth is seen as equally positive and negative from a legislative perspective. The legislative issues seen as potential opportunity to benefit and/or cause for concern include: tax reform, healthcare cost containment, environmental regulation, cost increased due to homeland security, and corporate regulation changes.

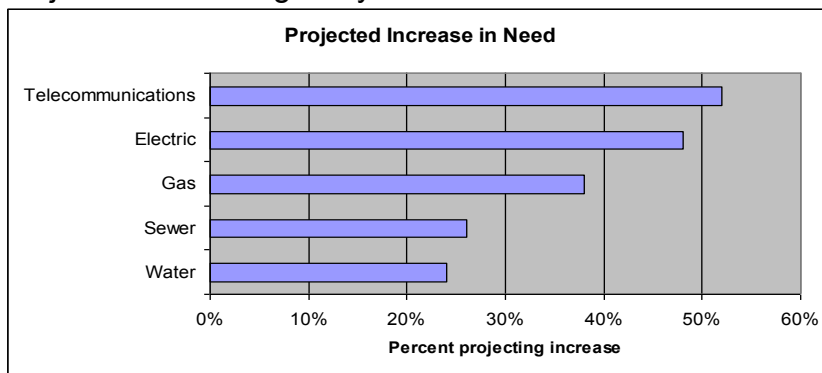
MANAGEMENT

The fourth section of the survey provides insight into expected changes in management, employment, and effect of management decisions. This section also shows the perception of management towards the local business environment as a place to do business.

Top management of the interviewed companies has been fairly stable with only 20% seeing a change in the past 18 months or expecting to change in the next 18 months. Most of this change has been in the outside corporate offices of companies or in companies that have changed ownership.

Management decisions will result in growth of these companies in the near future. Yet, fifty-four percent (54%) of companies say that their current facility is not adequate for future growth. The employment needs will be increasing in 67% of the companies. This is consistent with the 75% of companies projecting expansion in the previous section. The need for utilities increases slightly; the most significant increase in demand is for telecommunications. Further questioning within this section revealed that access to high speed internet connection through a cable or DSL line is patchwork throughout the county. The lower cost access is not necessarily available in designated industrial areas where it is a needed competitive tool. Lack of this infrastructure is increasing costs for these businesses.

Projected increasing utility needs



Perceived Community Strengths and Weaknesses

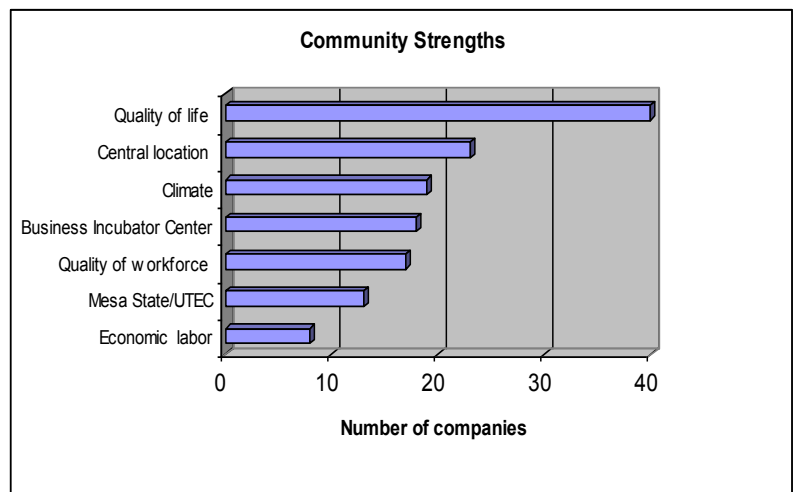
Forty-six percent (46%) of respondents say that their business is located here because this is where their home is. Most of the businesses with this response have made a conscious choice to locate their business in this area. Some of these businesses were started here; others were purchased and relocated here. These respondents did not make the location decision because of economic factors, (land, labor, natural resources), but because this is where the owner of the company has chosen to live.

The perceived strengths of the community give insight into why many of the businesses are located here. The two most mentioned community strengths are intrinsic to the location itself:

- Quality of life issues
- Central location

The strengths most often mentioned having to do with resources the community has developed include:

- The Business Incubator Center,
- Quality of Workforce and "economic" labor pool
- Mesa State College and UTEC,

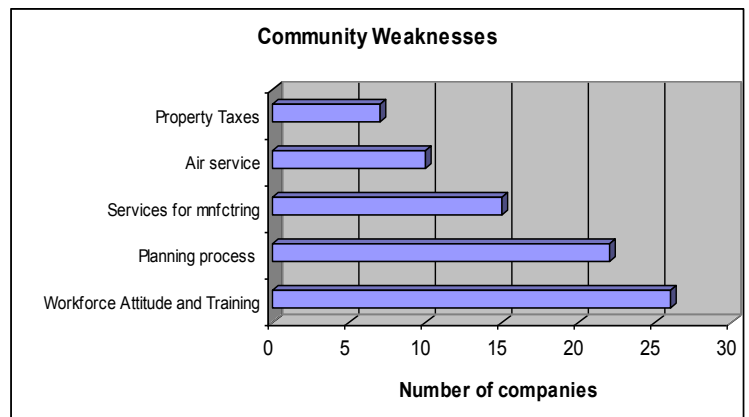


For perspective, the same community strength indicators were ranked as follows by other communities using this survey:

	National	Colorado	Mesa Co
Quality of life	8%	20%	40%
Location	22%	12.0%	23%
Climate	0%	0%	19%

Weaknesses that were specifically identified include:

- Workforce training,
- Poor work ethic,
- Planning departments, specifically
 - City staff being difficult to work with, having unrealistic expectations and no understanding of the cost/benefit relationship of requirements,
 - County policy being inconsistent and lack of communication between departments requiring increased cost and time
- Critical mass of manufacturing to make value-added services cost-effective.
- Lack of quality jet air service and cost of air service
- A drug problem was also mentioned by 7% of companies, 85% of those companies were from the energy industry



For perspective, the same community weakness indicators were ranked as follows:

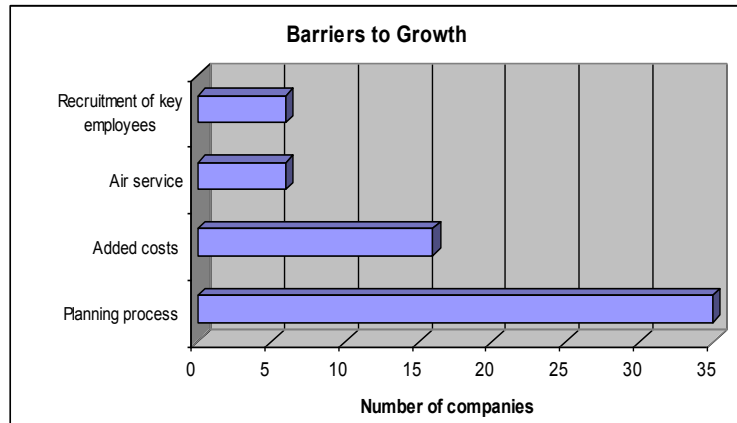
	Colorado	Mesa Co	National
Workforce	14%	9%	26%
Planning	0%	0%	22%
Cost of Business	4%	9%	15%

Perceived Barriers to Growth

The company and industry sections of this report show a positive trend in local company growth with 67% planning to expand. This optimism needs to be tempered with the fact that 70% percent of the companies interviewed feel that there a barriers to growth in Mesa County.

Planning

The most common barrier mentioned (35%) is perceived as the planning process. The majority of the businesses we interviewed were within the City of Grand Junction; therefore, the majority of concerns were with the Grand Junction planning department. It must be noted that those respondents lying strictly in the county voiced some concerns with the planning process as well. Fruita participants did not voice concerns about the Fruita planning process.



Specific concerns regarding planning for the City of Grand Junction were:

- Adversarial attitude of planning department staff (17%)
- Length of time the planning process takes to complete (17%)
- Code requirements are viewed as “unrealistic” (20%). This complaint was most often in terms of landscaping requirements in designated industrial zones. The comment most often heard was the code was “ridiculous since we live in a desert”. Many of the companies encountering this problem had purchased property in industrial zones before current landscaping requirements were changed. One company interviewed is relocating their businesses to the Rifle area because of the cost of these requirements. Several others mentioned they are considering relocating when expansion plans trigger upgrades.

Complaints regarding the planning process in Mesa County centered on

- Lack of communication between departments. This was seen to increase the time and cost involved in the process as well as inconsistency in implementation of code.
- Many of the agriculture based manufacturers were also concerned with growth issues and protection of agricultural land while allowing growth.
- Sign codes were mentioned regarding the ability of wineries to guide tourists to their facilities.

All of these perceived problems with planning add to the cost of conducting and growing a business in the area.

Most companies do not believe businesses should be given incentives, but specifically mention that ED Partners could deal with planning issues to remove *disincentives*. Some stated that if it is too difficult to get projects built they would go somewhere else. The planning process itself is perceived as taking too long and being too costly, It was suggested that companies deciding to expand should research what they’re getting into. These comments were from businesses who had been through the process in the last five years. Some who were thinking of expanding were concerned because they were afraid of what may be required. They have heard of the unrealistic requirements of planning and slowness of the

government agencies to get things done. This suggests that not only those actually involved in development are affected, but also the perception is affecting the strategy of those who may have to deal with planning in upcoming projects. This finding is significant in conjunction with the finding that 54% of businesses are out of space to expand at their current location and will be working with planning departments in the near future.

Added costs of doing business

Most manufacturers discussed a need for a large enough manufacturing base so that value added services would be available. Many of these companies incur additional costs of production due to having to ship their products elsewhere for specific services because the cost of local services was very high or the service was not available at all. Services specifically mentioned by several companies included:

- Anodizing
- Shipping consolidating (to decrease the cost of inbounds freight by finding outbound loads for truckers.
- Workforce training especially in areas of production

Land and building costs are also driving up the cost of doing business in Mesa County. Building costs are partly driven by development costs, but the price of raw land has also increased dramatically. Land prices coupled with development costs could have a significant influence the businesses decision to locate or expand in this community. Increased development costs will have a impact on the growth of the economy since 54% percent of companies are out of space to expand at their current location.

These perceived barriers also emphasize another underlying barrier to growth. Almost all of the manufacturing companies interviewed who mentioned these four barriers thought that they were the only company facing these barriers. Most of these companies specifically stated that they didn't depend on the local economy, and therefore, they thought they were unique in these problems. These comments emphasized the lack of a communication and networking opportunities in the manufacturing sector of the economy. This is a significant barrier since many of these companies are not necessarily manufacturing in similar industries, yet they require similar services. Increased communication between these companies could assist in determining the viability of specific services helping the economy more quickly achieve the "critical mass" necessary to make the manufacturing sector more competitive in their own markets.

Recruitment of Employees

Difficulty in recruiting higher level employees was another barrier discussed. Companies said that most of their mid-level managers and marketing personnel, as well as engineers, were recruited from outside the Mesa County. This type of recruitment posed an additional difficulty at times since many spouses of new employees had trouble finding employment or adjusting to the community. Several companies mentioned the "Nordstrom's Effect", meaning that candidates would chose not to relocate to this area because their spouses did not like the availability of quality shopping and other cultural experiences. The quality of local schools was also mentioned as factor in recruiting quality employees to the area. The quality of the local work force as a whole was seen as both a strength and a weakness, depending on the company. This contradiction is discussed more in depth in the next section.

Air Service

Air service was noted as a possible barrier by companies with headquarters elsewhere or with significant national and international markets. The lack of affordable and timely jet service was noted by 6% of the companies interviewed as a concern.

For perspective, the same barriers to growth indicators were ranked as follows:

	National	Colorado	Mesa Co
Planning	0%	0%	35%
Cost of Business.	21%	11%	16%
Recruitment of Employees	4%	3%	6%

Management of local companies is projecting significant growth in their companies over the next three years spurred by the product, market and industry trends outlined above. The confidence in the community's ability to support that growth is brought to light with their perceptions of the community's strengths and weaknesses. The strengths of this community as a place to do business are primarily intrinsic to its size and location: quality of life, climate and location were named as the top three community strengths. Assistance in growth and innovation provided by the Business Incubator Center, and economic workforce, and Mesa State and UTEC programs targeting training for specific industries were also viewed as strengths of this community. Community weaknesses in being able to support the huge potential growth of these businesses include: added costs caused by problems in local planning agencies, lack of services available to manufacturers, and workforce training and employee recruitment issues. The perceived weaknesses highlight opportunities for ED Partners to assist in the growth in existing businesses.

WORKFORCE

The fifth section of the E-synchronist survey covers issues pertaining to the available local workforce. Questions review quality, stability, productivity and training needs

The table below summarizes the overall evaluation of the local workforce. Most companies say that applicants for jobs are available, but that the quality of workers is low. It is interesting to note that in the more recent interviews (May, June), comments were made about how

was the	1-low, 5-high	Colorado	Mesa Co.	Difference	recruiting quality employees getting more difficult due to increased hiring in the energy industry, though energy companies were also having difficulty in recruiting. Forty-percent (47%) of companies interviewed specifically stated <i>work ethic</i> was a problem in Mesa County workforce. is an alarming trend, but most companies go on to rate the
seven	AVAILABILITY	3.5	3.5	0.00	
that	QUALITY	3.45	2.88	-0.57	
the	STABILITY	3.48	3.58	0.10	
This	PRODUCTIVITY	3.58	4.36	0.78	

workforce as stable and the productivity of their own workforce as extremely high. This shows that companies have learned to adapt to the workforce and most say that once they find good workers they stay and are very productive.

1-low, 5-high	Manufctr	Energy	Transport	Healthcare	VA-Ag
AVAILABILITY	3.62	3	3.5	3.2	4
QUALITY	2.69	2.55	3.2	3.1	3.53
STABILITY	3.56	3.75	3.6	3.6	3.4

PRODUCTIVITY	4.42	4.6	4.44	3.78	4.2	The adjacent table analyzes the workforce factors by industry.
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Availability and quality issues are most pronounced in the manufacturing and energy industries, yet these two sectors rate their own workforce as very productive.

Most of the companies we spoke with provide training for their employees (91%). Sixty (60%) of companies state that their training budget is increasing, this is most pronounced in the energy industry with 74% increasing their training budget. This could explain the spike in productivity ratings amidst a poorly rated workforce. This also highlights an opportunity for ED Partners to assist in reducing costs for employers by providing a better trained workforce.

The most common recruitment problems cited were: mid-level managers (with production experience and basic industry knowledge of energy and manufacturing industries, and engineers. Obviously, recruiting problems vary significantly due to skills required by the different industries. Below is a breakdown of skills needed by industry sector.

RECRUITING PROBLEMS		TOTAL	Manufctr	Energy	Transport	Healthcare	VA-Ag
Management	16%	25%	10%	10%	30%	20%	
Industry knowledge	8%	1%	35%				
Engineering	7%	13%	15%				
Mechanical skills	7%	22%	20%	10%		10%	
OSHA/Safety Training	6%		25%			1%	
Work Ethic/Life Skills	6%	11%	1%				
Machinist	5%	7%	20%	10%			
Marketing	5%	1%	5%			20%	
Bookkeeping	4%	1%		10%	10%	10%	
Nursing	3%				40%		
CDL (Drivers)	4%		15%	20%			
Welders	4%	1%	15%				

Significantly, when asked if recruiting problems were community based or industry based, the manufacturing sector was the only one that sited the community as not being able to provide a skilled workforce. Possibly the community could do a better job in training the workforce in skills needed by the manufacturing sector. [Note that these are not necessarily just entry level production skills.]

Workforce issues are dominated by a perceived lack of work ethic locally, though all of the employers interviewed rate their specific workforce as very productive. Most of the companies are spending resources to train their workforce to the specific needs. The community could do a better job of training a workforce that understands the reality of how businesses operate. Many businesses have difficulty in recruiting higher lever management and technical employees. The contradiction provides an opportunity for education and training entities to be more responsive to existing business by better understanding and providing for their needs.

MARKETING (COMMUNITY MARKETING OPPORTUNITIES)

The final section of the survey asked each company if they had suppliers or customers which would benefit from being located in Mesa County. Six percent (6%) of companies requested some type of cardboard suppliers, since this is one component common to most manufacturers. Six percent (6%) also requested anodizing facilities since it is costly for them to ship their goods out for this service and back to finish manufacturing. Another 6% suggested that a shipping consolidator would be beneficial for many manufacturers since shipping less than a truckload can be expensive if not impossible and shipping companies will delay delivery until they have an outbound load. Two of the largest energy companies requested a hydrochloric acid finishing facility. Both of these energy services companies have this acid trucked in daily from Rangley. Again, a more in depth analysis of the broad manufacturing sector could reveal other businesses that, if recruited to or developed in the community, could lower costs for existing businesses.

The following public services are rated on a scale of one to five (five being high). The average assessment is listed below. The two items rated lowest are community planning and property tax. Planning has been discussed above. Property taxes are perceived to be too high, particularly for manufacturing equipment. Some business stated that the Gallagher Amendment puts an unfair tax burden on business.

Rating Community Services

1-Low, 5-High	Average ranking
Police protection	4.02
Fire protection	4.37
Ambulance paramedic	4.27
Traffic Control	3.12
Public Transportation	3.41
Sewage treatment	4.09
Water Quality	4.03
Schools (K-12)	3.80
Property Tax assessment	2.75
Community Planning	2.48
Regulatory enforcement	3.38
City/village services	3.59
County services	3.94

Traffic Control was a concern to some companies due to the perceived danger of certain intersections, specifically:

- G Road and Highway 6 & 50 (City of Grand Junction)
- 22 Road and Highway 6 & 50 (City of Grand Junction)
- D Road and 32 Road (Mesa County)
- Railroad blocking 9th Street during peak traffic (City of Grand Junction)

The businesses interviewed were mostly satisfied with services provided by the community. Property taxes and issues with planning departments have the most potential for improvements. Services that the community could recruit to or develop to strengthen the business community include cardboard suppliers, anodizing, and shipping consolidator. Lack of these services was specifically mentioned as adding to the costs of doing business in Mesa County.

SYNTHESIS OF DATA

The e-Synchronist software uses proprietary analysis * to synthesize all the data collected and ranks the companies in terms of:

1. Value to the community
2. Growth potential
3. Risk of leaving the community
4. Satisfaction with the community

Distribution of Companies by Range				
	Low	Medium	High	Very High
Value to Community	2.00%	50.00%	48.00%	0.00%
Growth Potential	3.00%	37.00%	52.00%	8.00%
Risk	57.00%	41.00%	2.00%	0.00%

Analysis of the companies interviewed to date show that most companies are highly satisfied with the community. The risk of leaving is low for most companies, though we did interview two companies who have announced they are leaving the area. Interviews with these two companies revealed that this community could do a better job of building relationships with outside headquarters of companies with a local presence, since nothing was done to try to stop their relocation. Risk factors are also increased in companies that state that their current facilities are inadequate for future operations. Most companies have a medium to high growth rating.

CONCLUSION

The Listening to Business interviews revealed a healthy business climate anticipating a huge amount of growth. The data collected in this study shows that most of the businesses interviewed are extremely innovative having adapted and survived the last five years. These companies have survived by taking advantage of niche markets and adapting their production to minimize costs. They are competing with regional, national, and international companies. Their ability to produce effectively and efficiently has been, and will continue to be, the key to their survival.

The majority of the manufacturing companies located in Mesa County have consciously chosen to be here due to the lifestyle the community affords them. Being centrally located near major natural gas and other energy resources coupled with a larger workforce and

* A detail explanation of this analysis can be requested from the contact information at the front of this report

infrastructure has been a major factor for the growth of the energy industry. The natural resources of agricultural land, location off of I-70, along with a mild climate are the main reasons for growth of wineries and other value added agriculture manufacturers. Climate and I-70 are also factors in growth of many of the transportation based companies. The growth of health-care is also related to the central location and draw from outlying smaller communities.

While many of the strengths of this community are not due to targeted development activities, the competitiveness and huge anticipated growth of existing business, as well as the attraction of new complementary businesses, can be significantly influenced by economic development decisions.

Most businesses interviewed did not ask for incentives, but instead suggested ED Partners work to remove the “disincentives”. Ed Partners can play a part in assisting the growth projected by these companies by helping to mitigate the four main “disincentives” that have been identified by this survey.

Planning: The majority of the companies interviewed will need to either expand their facilities or move into new facilities. This will involve working with local planning departments. All of the companies interviewed appreciate the need for good planning. Forty-five (45%) of companies interviewed had concerns about planning. The concerns were with the length of time the process actually took (11%) the perceived adversarial attitude of planners(18%), and the view that when actual planning code does not fit the “reality” of where it is being implemented and there is no flexibility to adapt code to the actual land and use (13%). These three components add to the cost of development, and since these companies are operating in very competitive environments, the cost of development cannot outweigh the benefits or the companies cannot compete and therefore will not expand in this community. Planning is not only an issue for companies wanting to build, but also those moving to new facilities. The cost of and availability of commercial facilities is affected by the cost of planning and therefore affecting the growth of business. It should also be noted that 22% of companies interviewed commented that local planning departments “lacked vision” for the future growth of the community.

Property Tax: While there has rarely been anyone that has said that taxes were too low, the concern for higher taxes was mentioned more often by manufactures who are competing nationally. Thirty-four (34%) of participants specifically mentioned Personal Property tax as not being fair and equitable. The Gallagher Amendment that shifts the burden of property tax to businesses was also mentioned as unfair. If a business’s tax burden is higher than that of their competitors, they must make up for it in reducing their cost somewhere else in order to be competitive. Many businesses did say programs such as the Enterprise Zone help mitigate some of this problem.

Critical Mass for Manufacturing: Most of the companies interviewed are in some type of manufacturing though they may be placed in the other industry categories. The more ED Partners can help this segment be more competitive in their markets the more this segment will grow. This assistance can be in access to markets, innovation, or reduction in costs. In terms of reduction of cost, the value-added services they need locally will be available if there are enough businesses to make them viable. ED agencies can help by facilitating communication between existing businesses and identifying the services needed (examples include: anodizing, shipping consolidating, cardboard distributor) and identifying businesses that could provide these services locally or recruit the business to the area. Some services

may not be viable without a larger manufacturer using the service. This could be worked into the strategy for recruiting companies as well.

Workforce: There were some training and recruitment issues identified—mid-level managers, and engineers with basic energy and manufacturing knowledge-- this higher skill level also works into the critical mass issue stated above. If these types of jobs are perceived to be available there will be less risk for people moving here or graduates staying in the area. Seventeen (17%) of respondents commented about the lack of “real world” training and expectations of Mesa State/UTEC graduates. Most companies will train employees in-house; the difficulty is finding employees that are worth making that investment. The work-ethic issue is possibly the most critical to the local workforce (46%). This issue was discussed with e-Synchronist executives to see if other communities have identified similar concerns. Most communities do not have this issue emerge as a predominate issue. Community-wide research and strategy is needed to deal with this problem, but it is a key factor in long-term business growth in this area as well as raising the average wages paid. Lack of basic skills was identified as a problem for 33% of companies surveyed. Programs which integrate workforce training and “real world” experience will increase the actual skill level and experience required by existing businesses.

NEXT STEP

Finally, one concern found during the interview process was that most of the companies view “economic development” only as the effort Grand Junction Economic Partnership (GJEP) puts into recruiting outside companies to the area. This usually brings a negative perception, in that few see these companies as having any long-term positive effect for the community; and most do not feel that this type of recruitment has any positive effect on their business. Alternatively, many specifically mentioned the Business Incubator programs as being helpful, but this was not perceived as being economic development.

It is important for ED Partners to clearly articulate a comprehensive vision for economic planning along with specific tactics each partner is contributing to that overall plan. The Listening to Business project points to several recommendations for the next steps to achieving this goal.

1. Develop a mechanism to measure the specific industry sectors and primary employers that are targeted for growth. It will be difficult to determine if any economic development programs are successful if we do not have a measure of where we start or specifically what we are growing. That information is not easily accessible. This project was given the task of interviewing primary employers within Mesa County. In attempting to locate this type of companies it was found that there is no data base supplying information regarding local companies. The actual percentage of our local economy composed of primary employers is not readily available. Other essential information to begin the process includes: what industry sectors are here, which are thriving, and what are the cross-over benefits between the different sectors.
2. Develop a comprehensive vision of what the community wants itself to look like in ten years, using input of all members of ED Partners. In order to develop a valid vision it is essential to have information about where we are now—See #1.

3. Select the targeted industries that can contribute the most feasible and desired economic growth. (again, see #1) The healthcare and energy industries are obvious high growth segments of our economy. Manufacturing is a large segment of the current direct employment base and could be a viable sector for targeted growth. This segment is large and diverse, sub sectors include CNC manufacturing, outdoor manufacturing, aviation, value-added agriculture, transportation and energy related companies.
 - a. By facilitating communication and networking within the entire sector value added resources common to all the sub sectors could be identified and thus reduce costs and increase viability of the entire sector.
 - b. Developing common skills needed in the workforce would also have the same growth effect.
 - c. Growth of targeted industries and achieving a “critical mass” for the efficient operation of these businesses should be a primary factor in the business recruitment and development strategy followed by ED Partners.
4. Encourage programs that assist businesses with innovation of products and more effective means of production as well as researching and developing niche markets and other productivity components.
5. Coordinate workforce development with the skills that will be required for business growth. Workforce development needs to be comprehensive and include the school system, technical training, and college-level programs. All level of workers must be familiar with the “reality” of what our local business are doing.
6. Since planning is not set in stone, it is essential that ED Partners continues “Listening to Business” and adjust their comprehensive plan to be responsive to business needs on an ongoing basis.

Remember, people support what they help to create. The success of a business retention and expansion economic development strategy has to include all agencies which affect local businesses as well as input from the businesses themselves.

**Attach W-4
Downtown Business Improvement District
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA					
Subject	Overview of Process for Forming of Business Improvement District in the Downtown Area and a Special Assessment Election				
Meeting Date	July 18, 2005				
Date Prepared	July 15, 2005			File #	
Author	Stephanie Tuin		City Clerk		
Presenter Name	Stephanie Tuin John Shaver		City Clerk City Attorney		
Report results back to Council	<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name
<input checked="" type="checkbox"/>	Workshop	<input type="checkbox"/>	Formal Agenda		<input type="checkbox"/>
				Consent	<input type="checkbox"/>
					Individual Consideration

Summary: The City Clerk and City Attorney will review the process and the next steps required if the proposed District is formed by the City Council following the public hearing in August.

Budget: N/A

Action Requested/Recommendation: The purpose of this presentation is to familiarize the City Council with the Business Improvement District formation process and what steps will need to occur at the August 17, 2005 meeting if the District is formed and the Council decides to go forward with the request for a special election to authorize a special assessment.

Attachments:

1. Map of District
2. Election Calendar

Background Information: The formation of a Business Improvement District within a municipality's jurisdiction is authorized by state law. The purpose of Business Improvement Districts is to promote the health, safety, prosperity,

security and general welfare of the inhabitants and to promote the continued vitality of commercial business areas within municipalities. Funding to provide such services can be raised through a property tax assessment or through a special assessment. Petitions signed by owners of real or personal property within the proposed district must be filed with the City Clerk which represent at least 50% of the acreage and 50% of the assessed valuation.

The proposed district does not have to be a contiguous land area. Designation of properties within a general area that will benefit from the formation of the district is typically how a district area is determined. The area being proposed for the Downtown District is generally from Spruce Street east to 8th Street and from Grand Avenue south to Ute Avenue. By law, only commercial properties can be included so any properties designated as residential by the County Assessor records have been excluded. Non-taxable property, that is, exempt properties are also not included.

The District representatives are proposing a special assessment rather than a property tax in order to raise revenues. The Taxpayer Bill of Rights (TABOR) of the Colorado Constitution requires that such matters be put to the electors of said District. Besides asking the City Council to set a special election for November 1, 2005, the District representatives are also asking that the voters approve a question allowing the District to retain all future revenues despite TABOR limitations.

The special assessment as outlined in the Operating Plan will assess the properties on Main Street in the District based on building and land square footage at one rate and those District properties off Main Street at a lower rate. Collection of the assessment will be through the Mesa County Treasurer.

The proposal assumes that the City and the County will make a voluntary contribution in lieu of their exempt properties in the District toward the new Business Improvement District in the amount of \$25,000. Although any contribution by the City is subject to a specific budget appropriation, the District representatives are making the assumption that those funds will be a part of their 2006 budget. Details as to the amount of the contribution from each entity are not specified.

The District representatives have included in their Operating Plan a provision whereby the District will expire in ten years if not renewed. This expiration provision is included in the proposed ordinance.

Election Process

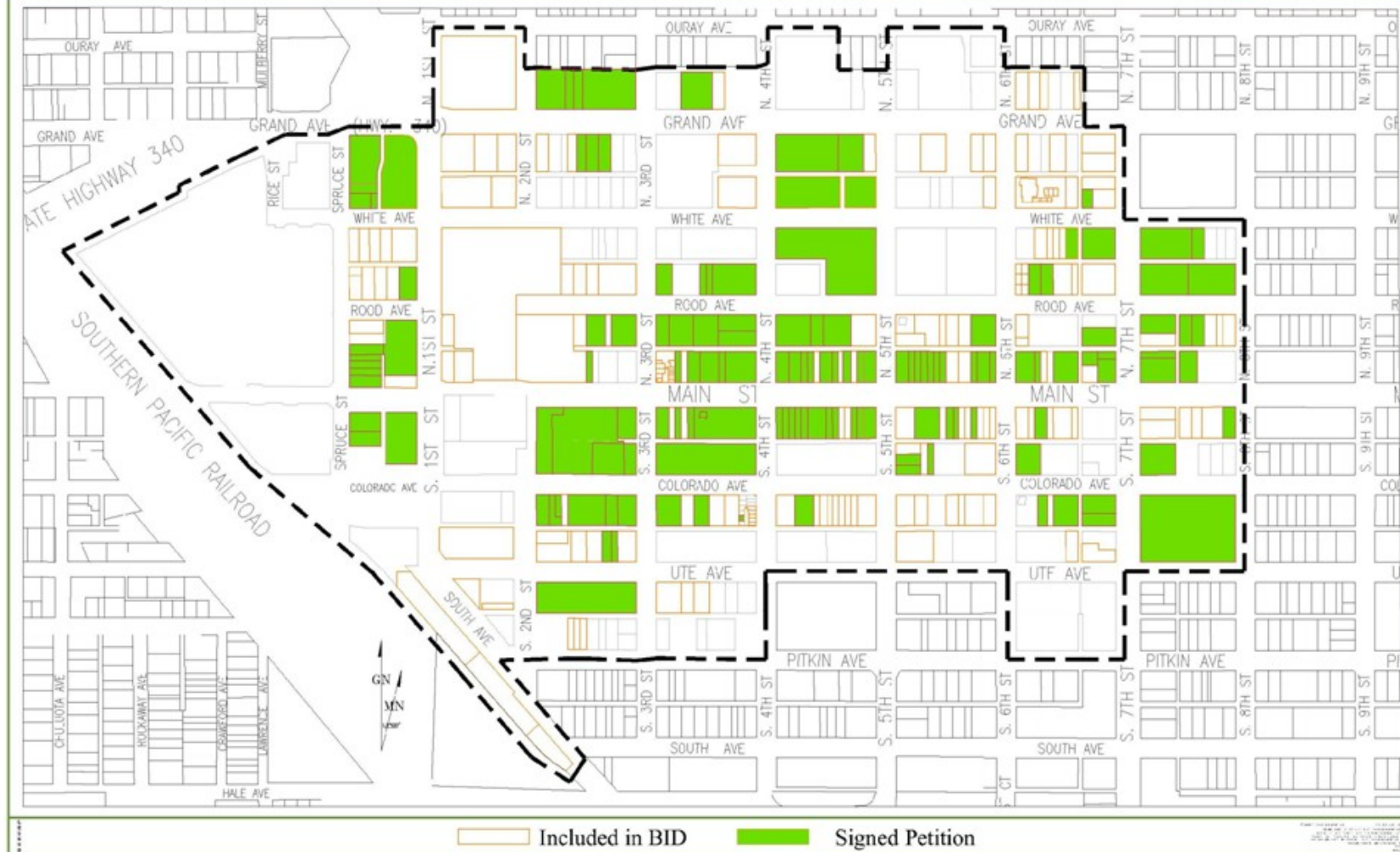
Due to looming deadlines for these questions to be on a ballot for November 1, 2005, several actions will need to be taken by City Council immediately following the hearing on August 17 if the Council approves the formation of the District. A

resolution setting the election, authorizing a mail ballot and setting the ballot title will have to be adopted. The Secretary of State requires that the political subdivision holding a mail ballot election submit a plan approved by the governing body. Lastly, since the questions will fall under TABOR, a ballot issue notice will need to be mailed out. An intergovernmental agreement with Mesa County Elections is required for them to send out the required notice on the City's behalf. The deadlines for many of these actions are prior to the Council's first meeting in September so therefore will need consideration at the August 17 Council meeting.

If approved, the mail ballot election will be conducted by the City Clerk's Office. The qualified electors for this election include real and personal property owners in the District, leaseholders of taxable real or personal property in the District, residents of the District, and designees of the owners of real or personal property if it is owned by an entity rather than a natural person.

PROPOSED BUSINESS IMPROVEMENT DISTRICT

Grand Junction



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Election Calendar

- July 20 City Council set public hearing date for August 17, 2005 (must be 20 to 40 days out)
- July 22 100 days before the election, last day for political subdivisions who have taken formal action to notify County
- Aug. 17 If BID is formed then ordinance published, Resolution Setting Election, Approval of IGA (Tabor Notice) & Mail Ballot Plan
- Sept. 2 Deadline for IGA with County
- Sept. 7 Deadline for Mail Ballot Plan to Secretary of State & Certify Ballot Contents to County
- Sept. 16 Last day for TABOR comments
- Sept. 20 TABOR comments must be submitted to County
- Sept. 30 TABOR notices mailed
- Oct. 7 -17 Mail ballots
- Nov. 1 Election Day – all ballots must be returned

**Attach W-5
Storm Water Ordinance and Drainage Authority Update
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject		Storm Water Ordinance & 5-2-1 Drainage Authority Update				
Meeting Date		July 18, 2005				
Date Prepared		July 14, 2005			File #	
Author		Tim Moore		Public Works Manager		
Presenter Name		Tim Moore		Public Works Manager		
Report results back to Council		X	No		Yes	When
Citizen Presentation			Yes	X	No	Name
X	Workshop		Formal Agenda			Consent
						Individual Consideration

Summary: Staff is providing City Council with an update on a proposed Storm Water Ordinance for the City of Grand Junction. This ordinance is required by the United States Environmental Protection Agency (USEPA) Storm Water Phase II Regulation. Staff will also provide Council with an update on the status of the 5-2-1 Drainage Authority.

Budget: Adoption of the proposed Ordinance will require the addition of one full time employee to implement and monitor compliance with the ordinance at an estimated annual cost of **\$65,000**.

Action Requested/Recommendation: Review and provide comment on the proposed ordinance. Develop a schedule for formal consideration and effective date of the ordinance.

Attachments: Draft Storm Water Ordinance

Background Information:

Proposed Storm Water Ordinance

The federal Clean Water Act requires that certain storm water discharges be authorized under a storm water discharge permit to improve the water quality. Grand Junction's discharge permit requires the City to adopt an ordinance in 2005 that will implement minimum measures to reduce pollutants in storm water. The draft ordinance addresses the following measures:

- Illicit discharge detection and elimination
- Construction site stormwater runoff control
- Post-construction storm water management

These measures represent some significant changes to how our community currently deals with storm water. Organizations including the Home Builders Association (HBA) and future Home Owners Associations will be impacted by these new standards.

PUBLIC INVOLVEMENT:

To help area organizations understand how the new regulations will affect their businesses, staffs from Grand Junction, Mesa County, Fruita, Palisade, Grand Junction Drainage District and the Drainage Authority organized a Storm Water Focus Group in February 2005. This group included representatives from the 5-2-1 Drainage Authority, Associated Builders and Contractors, North West Home Builders Association, Western Colorado Contractors and the Associated Managers of Growth and Development. The groups met three times to discuss EPA Phase II regulations and helped draft and review the model storm water ordinance. As currently drafted and attached herein, this group would support adoption of the ordinance by Grand Junction.

TRAINING

Since May 2004, Grand Junction and Mesa County staff has provided much public education and training on the Phase II Regulations. A professional erosion control trainer has been contracted to provide training that has focused on impacts to the construction industry and upcoming mandated control requirements. Classes on specific storm water construction requirements began in October 2004 and will continue every six months until the community is well educated about the storm water requirements. The training is being provided at a discounted rate to the community to increase participation. Presentations have also been given at local water festivals and to local service organizations.

IMPLEMENTATION

Staff is recommending a January 1, 2006 effective date for the Storm Water Ordinance. The Focus Group voiced a strong desire to include a one-year education / compliance period with the implementation of the ordinance to familiarize the construction community with the storm water regulations. Non-compliance issues would be handled with warnings and more education opportunities with actual monetary penalties being used as a last resort during the first year. Staff agrees with this implementation strategy and would plan to provide additional training / education opportunities prior to January 1st and continuing through 2006.

Each of the valley entities including Grand Junction, Mesa County, the Town of Palisade and the City of Fruita have different timelines, per their state permits, to adopt an ordinance. Grand Junction's permit requires that the ordinance be adopted by the end of 2005, while Mesa County and the Town of Palisade must to adopt an ordinance in 2006.

Staff would recommend Council formally consider this ordinance in August 2005 including a public hearing, and make the ordinance effective January 1st 2006. This schedule would provide an opportunity for affected businesses and organizations to become familiar with the ordinance and allow staff to provide training opportunities prior to the effective date of the ordinance.

5-2-1 Storm Water Authority

The 5-2-1 Storm Water Authority was formed on June 14, 2004 to address valley-wide storm water problems through the construction of capital improvement projects. The formation of the 5-2-1 Authority was a result of a Storm Water Unification Feasibility Study completed in July 2003. The Authority is comprised of one elected official from each of the area government agencies and includes Grand Junction, Mesa County, Town of Palisade, City of Fruita and the Grand Junction Drainage District.

The Authority has an adequate budget and plans to commission a rate study early next year to evaluate valley-wide storm water problems and associated costs. The Authority has discussed using this rate study to establish a storm water fee that would be assessed to all properties within the Authority's boundaries to pay for future storm water related capital improvement projects. There are a number of decisions yet to be made by the Authority related to the implementation of this fee, including how local storm water capital improvement projects will be funded and how local agencies may participate in larger valley-wide projects.

EPA PHASE II REGULATIONS

The Storm Water Authority has also participated in the public education related requirements of the EPA Phase II requirements including:

- Public Involvement
- Public Education

The Phase II regulations require each agency within the valley to provide opportunities for the public to understand the purpose for the regulations and how the regulations will improve water quality in our area. Additionally each agency must provide an opportunity for the public to participate in the development and implementation of local storm water programs. The Authority has sponsored a number of opportunities throughout the community for specific training through workshops and has sponsored exhibits at community activities including the Southwest Festival and the Landscapes West show.

The Authority, as coordinated through Grand Junction and Mesa County, will provide training to participating agency municipal staff in 2005 as required by the Phase II regulations. Grand Junction staff is also working on an Illicit Discharge Detection and Elimination program that will serve as a model for the Authority.

CHAPTER 16 ENVIRONMENT

ARTICLE VII STORM WATER POLLUTION PREVENTION *

THE PURPOSES OF THIS ARTICLE ARE ENFORCEMENT OF A COMPREHENSIVE STORM WATER MANAGEMENT PROGRAM DESIGNED TO REDUCE THE DISCHARGE OF POLLUTANTS TO AND FROM THE MUNICIPAL STORM SEWER SYSTEM, TO PROTECT WATER QUALITY, AND TO SATISFY THE APPROPRIATE WATER QUALITY REQUIREMENTS OF THE COLORADO WATER QUALITY CONTROL ACT.

Introduction

The federal Clean Water Act requires that certain storm water discharges be authorized under storm water discharge permits. In 1999 the United States Environmental Protection Agency (USEPA) implemented the second phase of the federal Storm Water Regulation (“Phase II Regulation”) that affects municipalities and urbanized areas greater than 50,000 in population. The Storm Water Phase II Regulation addresses pollution concerns influenced by storm water discharges from urban settings, such as the Grand Valley.

The City of Grand Junction, as a Municipal Separate Storm Sewer System (MS4), is required under the Storm Water Phase II Regulation, along with other Grand Valley MS4s, to obtain a storm water discharge permit from the Colorado Department of Public Health and Environment. The terms of the state storm water discharge permit require the City of Grand Junction to develop and implement a Storm Water Management Program to reduce the amount of pollutants entering streams, lakes and rivers as a result of runoff from residential, commercial and industrial areas during a storm event.

The City of Grand Junction is required to develop and implement six minimum measures to ensure it’s Storm Water Management Program reduces pollutants in storm water to the maximum extent practicable (MEP) to protect water quality. The regulations specify that compliance with the MEP requirement can be attained by developing and implementing six required minimum control measures to protect state waters from pollution, contamination or degradation.

The six minimum measures are:

1. Public education and outreach: Providing storm water education and outreach to the public.
2. Public participation and involvement: Giving the public an opportunity to actually participate in both the development and implementation of a storm water program.
3. Illicit discharge detection and elimination: Prohibit illicit discharges from the storm sewer system and develop a plan with mechanisms designed to locate and eliminate discharges into storm sewers from sources other than storm water. This plan must include a complete map of all outfalls and identification of locations and sources of any water entering a system as well as developing an ordinance to prohibit the discharge of illicit discharges into the storm sewer system. Enforcement provisions are required to be a part of that ordinance.
4. Construction site storm water runoff control: Requires a regulatory mechanism, such as this ordinance, in place for erosion and sediment control as well as Best Management Practices for preventing or reducing other pollutants associated with construction activity that disrupt soils of one (1) acre or greater. This measure does not relieve the requirements of a construction-site operator to obtain an independent Colorado Discharge Permit System permit for sites larger than one (1) acre. The permitting authority, however, can specifically reference qualifying local programs in the NPDES general permit requirements so the construction operator doesn't need to follow two different sets of requirements.
5. Post-construction storm water management: Have a program requiring new and redevelopment projects to implement controls on sites, which will reduce pollutant loads in stormwater runoff. A regulatory mechanism, such as this ordinance, is required as well as Best Management Practices for preventing or reducing pollutants from post-construction development projects.
6. Pollution prevention for municipal operations: Regulated municipalities must have an operation and maintenance program to prevent or reduce pollutant runoff from municipal operations.

This Article, as required by the state of Colorado and USEPA, will enforce the three minimum measures of Grand Junction's storm water management program that have the greatest potential to contribute to storm water pollution: Illicit discharge detection and elimination, Construction site storm water runoff control and Post-construction storm water management. The enforcement of this Article will reduce the discharge of pollutants from Grand Junction to the maximum

extent practicable in order to protect water quality and to satisfy the appropriate water quality requirements of the Colorado Water Quality Control Act.

The objectives of this Article are:

1. To comply with mandated provisions of the Colorado Water Quality Control Act.
2. To regulate the contribution of pollutants to the municipal separate storm sewer system by storm water discharges by any user;
3. To prohibit illicit connections and discharges to the municipal separate storm sewer system;
4. To establish legal authority to carry out all inspection, observation, and monitoring procedures necessary to ensure compliance with this Article;
5. To promote public awareness of the hazards involved in the improper discharge of pollutants into the Storm Drainage System;
6. To regulate the contribution of pollutants to the municipal separate storm sewer system by storm water discharges from construction activity and development and to facilitate compliance with state and federal standards and permits by owners of construction sites, developments and permanent best management practices (BMPs).
7. To reduce pollutants in storm water discharges from construction activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land;
8. To require permanent storm water runoff controls to be constructed along with development to prevent the deterioration of water quality;
9. To establish provisions for the long-term responsibility for and maintenance of structural storm water control facilities and nonstructural storm water management practices to ensure that they continue to function as designed, are maintained, and do not threaten public safety.
10. To establish timely and appropriate enforcement actions for violations of this Article.

NOTE: This ordinance references the Stormwater Management Manual (SWMM), dated 1996 and as amended, that contains Grand Junction and Mesa County policy and criteria pertaining to storm water runoff; federal, state and local

regulations pertaining to storm water law and water quality; and grading and drainage criteria under Section 6.2.F of the City Zoning and Development Code. The Stormwater Management Manual is being currently being reviewed for revisions.

Sec. 16-141. DEFINITIONS.

Sec. 16-142. ILLICIT DISCHARGES PROHIBITED INTO STORM DRAINAGE SYSTEM.

Sec. 16-143. CONTROL OF STORM WATER DISCHARGES FROM CONSTRUCTION AND POST-CONSTRUCTION ACTIVITIES.

Sec. 16-144. ENFORCEMENT.

* Cross reference(s) - Duties of property owner and lessee; unlawful accumulations; inspections, § 16-27; Garbage in watercourses declared a nuisance, § 16-61(3); Unlawful deposits prohibited, § 16-81; Securing of vehicle contents to prevent spillage, § 16-82; Storage or depositing of refuse in public place or body of water prohibited, § 30-36; Discharging water and other liquids except precipitation prohibited, § 32-4; Duty to clean sidewalks, § 32-9; Unsanitary deposits prohibited, § 38-32; Discharge to natural outlets prohibited, § 38-33.

Sec. 16-141. DEFINITIONS.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Best Management Practices (BMPs) means the specific management practices used to control pollutants in storm water. BMPs are of two types: "source controls" (nonstructural) and "treatment controls" (structural). Source or nonstructural controls are practices that prevent pollution by reducing potential pollutants at their source, such as proper chemical containment at municipal shops or construction sites, before they come into contact with storm water. Treatment or structural controls, such as constructed water quality detention facilities, remove pollutants already present in storm water. Best Management Practices can either be temporary, such as silt fence used during construction activity, or permanent detention facilities, to control pollutants in storm water.

City means the City of Grand Junction.

City Manager means the Grand Junction City Manager or his duly authorized representative.

CDPS means the Colorado Discharge Permit System.

Clean Water Act (CWA) means the Clean Water Act, also known as the Federal Water Pollution Control Act, and including amendments thereto by the Clean Water Act of 1977, 33 U.S.C. section 466 *et seq.* as amended.

Colorado Water Quality Control Act means Title 25, Article 8 of the Colorado Revised Statutes.

Commercial means any business, trade, industry or other activity engaged in for profit.

Construction means to make or form by combining or arranging building parts or building elements, to include but not limited to examples such as road construction, commercial shopping center, residential development or parks development, and including the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material).

Construction Site means any location where construction or construction related activity occurs.

Contaminated means containing harmful quantities of pollutants that exceed state or federal guidelines.

Construction Storm Water Management Plan (SWMP) means a specific individual construction plan that describes the Best Management Practices (BMPs), as found in the current SWMM, to be implemented at a site to prevent or reduce the discharge of pollutants. The purpose of a SWMP is to identify possible pollutant sources to storm water and to set out BMPs that, when implemented, will reduce or eliminate any possible water quality impacts.

Contractor means any person or firm performing or managing construction work at a Construction Site, including any construction manager, general contractor or subcontractor. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical or landscaping contractors and material suppliers delivering materials to the site.

CDPS Permit means a permit issued by the state of Colorado under Part 5 of the Colorado Water Quality Control Act (Title 25, Article 8 of the Colorado Revised

Statutes) that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable to a person, group or area.

Development means any public or private construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure within the jurisdiction of the City, as well as any manmade change or alteration to the landscape, including but not limited to, mining, drilling, dredging, grading, paving, excavating and/or filling.

Discharge means any addition or release of any pollutant, storm water, subsurface, groundwater or any other substance whatsoever to the Storm Drainage System.

Domestic Animal Waste means excrement and other waste from domestic animals, including household pets.

Domestic Sewage means sewage originating primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks.

Drainageway means any natural or artificial (man-made) channel which provides a course for water flowing either continuously or intermittently to downstream areas.

Environmental Protection Agency or EPA means the United States Environmental Protection Agency (USEPA), the regional office thereof, any federal department, agency or commission that may succeed to the authority of the USEPA and any duly authorized official of the USEPA or such successor agency.

Fertilizer means a substance or compound that contains an essential plant nutrient element in a form available to plants and used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop or a mixture of two or more fertilizers.

Fire Protection means any water and any substance(s) or material(s) contained therein, used by any person to control or extinguish a fire or to inspect or test fire equipment.

Fungicide means a substance that destroys or inhibits the growth of fungi.

Garbage means putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking and consumption of food, including waste

materials from markets, storage facilities and the handling and sale of produce and other food products.

Groundwater means any water residing below the surface of the ground or percolating into or out of the ground.

Harmful Quantity means the amount of any substance that may cause an adverse impact to the Storm Drainage System and/or will contribute to the failure of the City to meet the water quality based requirements of the CDPS / NPDES permit for discharges from the Municipal Separate Storm Sewer System.

Hazardous Substance means any substance listed in Table 302.4 of 40 CFR Part 302 as amended.

Hazardous Waste means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR, Part 261 as amended.

Herbicides means a chemical substance used to destroy plants, especially weeds.

Illegal Discharge means Illicit Discharge.

Illicit Connection means any drain or conveyance, whether on the surface or subsurface, which allows an Illicit Discharge to enter the Storm Drainage System. Such connection includes any physical connection to a publicly maintained storm drain system composed of non-storm water that has not been permitted by the public entity responsible for the operation and maintenance of the system.

Illicit Discharge means any discharge to a storm drain system that is not composed entirely of storm water, except discharges pursuant to a CDPS/ NPDES permit, discharges resulting from fire fighting activities, and discharges further exempted by this Article.

Industrial Waste means any wastes produced as a by-product of any industrial, manufacturing, agriculture, commerce, trade or business, as distinguished from domestic or residential waste.

Mechanical Fluid means any fluid used in the operation and maintenance of machinery, vehicle(s) and any other equipment. Includes, but is not limited to, mechanical fluid, lubricants, antifreeze, petroleum products, oil and fuel.

Minimum Measure means a mandated part of a storm water management program that reduces the amount of pollutants entering streams, lakes and rivers as a result of runoff from residential, commercial and industrial areas during a storm event.

Mobile Commercial Cleaning means washing, steam cleaning and any other method of mobile cleaning, of vehicles and/or exterior surfaces, engaged in for commercial purposes or related to a commercial activity.

Municipal Separate Storm Sewer System (MS4) means a conveyance or the system of conveyances, including roads with drainage systems, municipal streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins and ponds owned and operated by the City and designed or used for collecting or conveying storm water and is not a combined sewer or used for collecting or conveying sanitary sewage.

MSDS means the Material Safety Data Sheet for hazardous chemicals.

NPDES means the National Pollutant Discharge Elimination System under section 402 of the Clean Water Act.

NPDES Permit means a permit issued pursuant to EPA authority. An NPDES permit allows the discharge of pollutants to navigable waters of the United States or waters of the state, whether the permit is applicable on an individual, group, or area basis.

Notice of Violation (NOV) means a written notice detailing any violations of this Article and any action expected of the violator(s).

Oil means any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil, synthetic oil, motor oil, cooking oil, vegetable or animal fat, grease, sludge, oil refuse and oil mixed with waste.

Owner means a person having dominant and/or servient interest in property, having sufficient interest to convey property, and/or having possessory interest in property. The term "owner" also includes the owner's agent.

Part of a larger common plan of development or sale means a contiguous area where multiple separate and distinct construction activities will be taking place at different times on different schedules under one plan. An example would be a commercial development with multiple separate buildings constructed over the course of multiple construction schedules.

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or its legal representative(s), agent(s), or assign(s), including all federal, state and local governmental entities.

Pesticide means a substance or mixture of substances intended to prevent, destroy, repel or mitigate any pest.

Petroleum Product means a product that is obtained from distilling and processing crude oil that is capable of being used as a fuel or lubricant in a motor vehicle or aircraft, including motor oil, gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil and #1 and #2 diesel.

Pollutant means any substance attributable to water pollution, including but not limited to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, septic waste, sewage sludge, rubbish, garbage, solid waste, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, sediment, rock, dirt, sand, mud, soil, sediment, industrial, municipal and agricultural waste, litter, debris, yard waste, pesticides, herbicides, fertilizers, domestic animal waste, mechanical fluid, oil, motor oil, used oil, grease, petroleum products, antifreeze, surfactants, solvents, detergents, cleaning agents, paint, heavy metals, toxins, household hazardous waste, small quantity generator waste, hazardous substances and hazardous waste.

Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of any water that renders the water harmful, detrimental, or injurious to humans, animal life, plant life, property or public health, safety or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Potable Water means water that has been treated to federal Safe Drinking Water Act standards and/or is safe for human consumption.

Private Drainage System means all privately owned ground, surfaces, structures or systems, excluding the Municipal Separate Storm Sewer System, that contribute to or convey storm water, including but not limited to, roofs, gutters, downspouts, lawns, driveways, pavement, roads, streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins, ponds, draws, swales, streams and any ground surface

Property Owners Association is an association formed by a land owner or owners to manage and maintain property in which they own an undivided common interest. The association may be referred to as a homeowners association (HOA) for residential developments or as a business owners association (BOA) for commercial developments.

Qualified Person means a person who possesses the required certification, license and appropriate competence, skills, and ability as demonstrated by sufficient education, training and/or experience to perform a specific activity in a timely and complete manner consistent with the regulatory requirements and generally accepted industry standards for such activity and may, for certain duties, be required to be a Professional Engineer licensed in the state of Colorado or as required under § 12-25-101, C.R.S.

Release means to dump, spill, leak, pump, pour, emit, empty, inject, leach, dispose or otherwise introduce into the Storm Drainage System.

Receiving waters means creeks, streams, rivers, lakes, estuaries or other bodies of water into which surface water and/or treated or untreated waste are discharged, either naturally or in man-made systems.

Rubbish means nonputrescible solid waste, excluding ashes, that consist of: (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

Sanitary Sewage means the domestic sewage and/or industrial waste that is discharged into the Persigo Sanitary Sewer System and passes through the Sanitary Sewer System to the Persigo sewage treatment plant for treatment.

Sanitary Sewer means the system of pipes, conduits and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the Persigo sewage treatment plant (and to which storm water, surface water and groundwater are not intentionally admitted).

Sediment means soil, mud, dirt, gravel and rocks that have been disturbed, eroded and/or transported naturally by water, wind or gravity, and/or mechanically by any person, vehicle or equipment.

Septic Tank Waste means any domestic sewage from holding tanks such as vessels, grease interceptors, chemical toilets, campers, trailers, septic tanks and aerated tanks.

Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Solid Waste means any garbage, rubbish, refuse, yard waste and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, construction, mining or agricultural operations and residential, community and institutional activities.

Storm Drainage System means all surfaces, structures and systems that contribute to or convey storm water, including private drainage systems, to the Municipal Separate Storm Sewer System, and any non-municipal drain or pipe,

channel or other conveyance, including natural and man-made washes and ditches for conveying water, groundwater, drainage water or unpolluted water from any source, excluding sewage and industrial wastes, to waters of the state and United States.

Storm Water means surface runoff resulting from precipitation and other storm events.

Stormwater Management Manual means the Stormwater Management Manual (SWMM) that contains Grand Junction and Mesa County policy and criteria pertaining to storm water runoff; federal, state and local regulations pertaining to storm water law and water quality; and grading and drainage criteria under Section 6.2.(F) of the City Zoning and Development Code, dated 1996 and as amended or replaced.

Surface Water means water bodies and any water temporarily residing on the surface of the ground, including oceans, lakes, reservoirs, rivers, ponds, streams, puddles, channeled flow and runoff.

Toxic means a substance that is harmful or poisonous according to the MSDS standards.

Uncontaminated means not containing harmful quantities of pollutants that exceed state or federal guidelines.

Upset means an exceptional incident in which there is an unintentional and temporary noncompliance because of factors beyond reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment, lack of preventive maintenance, or careless or improper operation.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility or the community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, institutions and industrial establishments, together with any incidental groundwater, surface water and storm water that may be present.

Waters of the state means any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the state and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are

wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Waters of the United States means all waters which are currently used, used in the past or susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and the flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "Waters of the United States" at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds or lagoons designed to meet the requirements of the federal Clean Water Act.

Water Quality Standard means the designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by state or federal regulatory standards to be necessary to protect those uses.

Wetland means any area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Yard Waste means leaves, grass clippings, tree limbs, brush, soil, rocks or debris that result from landscaping, gardening, yard maintenance or land clearing operations.

Sec. 16-142. ILLICIT DISCHARGES PROHIBITED INTO STORM DRAINAGE SYSTEM.

(A) Prohibitions

(1) No person shall release or cause to be released into the Storm Drainage System any discharge that is not composed entirely of uncontaminated storm water, except as allowed in Section 16-142(B). Common storm water contaminants which cannot be released into the Storm Drainage System include herbicides and lawn chemicals, construction debris and wastes, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment, dirt and other toxic substances, including substances defined as "pollutants."

(2) Notwithstanding the provisions of Section 16-142(B), any discharge shall be prohibited by this Section if the discharge in question has been determined by the City Manager to be a source of pollutants to the Storm Drainage System.

(3) The construction, use, maintenance or continued existence of illicit connections to the Storm Drainage System are prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste to the Storm Drainage System or allow such a connection to continue. Any existing connection must be removed.

(5) No person shall maliciously damage, destroy or interfere with Best Management Practices (BMPs) implemented pursuant to this Article.

(B) Exemptions

Subject to § 32-4, the following non-storm water discharges are not a violation of this Article. Note that even if one of the following discharges is not covered under this Article it may still require a federal and/or state-issued permit.

Intermittent uncontaminated discharge from landscape irrigation, lawn watering, or irrigation return flows, except as restricted by 16-143 (c) (2).

(1) Uncontaminated discharge from foundation, footing or crawl space drains and sump pumps. (Commercial air conditioning condensation and water from commercial cooler drains shall be discharged to the sanitary sewer system only.)

(2) Uncontaminated groundwater, including rising groundwater, groundwater infiltration into storm drains, pumped groundwater and springs.

(3) Diverted stream flows and natural riparian habitat or wetland flows.

(4) Uncontaminated discharges from the occasional noncommercial or charity washing of vehicles or occasional not-for-profit car washing events.

(5) Dechlorinated and uncontaminated swimming pools and hot tubs may be drained to the storm drain system. Swimming pool and hot tub drainages may be drained to the sanitary sewer system without dechlorination.

- (6) Discharges approved by the City Manager as being necessary to protect property and/or public health and safety, such as flows from firefighting.
- (7) Waterline flushing and other infrequent discharges from potable water sources and waterline repair work as necessary to protect public health and safety.
- (8) Street wash water after mechanical cleanup (sweeping) has taken place
- (9) City activities as determined necessary by the City Manager, such as Spring Cleanup and Fall Leaf Pickup programs. The intent of these activities is to reduce pollution in the storm drain system. For this exemption to apply, the participant(s) must comply with the directions and specified time frame determined by the City Manager.
- (10) A discharge authorized by and in compliance with a CDPS or NPDES permit, other than the CDPS permit for discharges from the Municipal Separate Storm Sewer System. This type of discharge must receive advance approval by the City before the CDPS permit can be issued.

(C) Requirements Applicable to Certain Dischargers

Process waters generated from any industrial or commercial source, including carpet and rug cleaners and mobile commercial power cleaning operations, shall not discharge to the Storm Drainage System without a valid CDPS discharge permit. In the absence of a CDPS discharge permit, discharges from power cleaning operations shall be reclaimed via wet vacuum sweeping or other type of containment before entering the Storm Drainage System. (Discharge to the sanitary sewer is allowed with prior City authorization.)

(D) Release Reporting and Cleanup

Any person responsible for a known or suspected release of materials which results in, or may result in, illegal discharges to the Storm Drainage System shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a material, said person shall comply with all state, federal and local laws requiring reporting, cleanup, containment and any other appropriate remedial action in response to the release. Notice shall be given to the City Manager and followed by a written report of the remedial action(s) taken.

(E) Authorization to Inspect, Adopt and Impose Best Management Practices

The City has the authority to conduct storm water inspections at commercial and industrial facilities and residential facilities under common ownership (for detention ponds owned by POAs) and to require implementation of Best Management Practices (BMPs) where appropriate. The selection, application and maintenance of BMPs must be sufficient to prevent or reduce the likelihood of pollutants entering the Storm Drainage System. The City may adopt and impose requirements identifying specific BMPs in the Stormwater Management Manual for any activity, operation or facility, which may cause a discharge of pollutants to the Storm Drainage System. Where specific BMPs are required, every person undertaking such activity or operation or owning or operating such facility shall implement and maintain BMPs at the person's own expense.

Sec. 16-143. CONTROL OF STORM WATER DISCHARGES FROM CONSTRUCTION AND POST-CONSTRUCTION ACTIVITIES.

(A) General Requirements for Construction Sites

(1) All proposed development as described in § 16-143 (A)(2) must provide for on-site erosion and sediment control, control of illegal discharges, and runoff collection and conveyance in accordance with the Stormwater Management Manual and applicable federal and state laws.

(2) The owner of a construction site and/or conducting construction activity, including but not limited to subdivision development, subsequent lot development, individual home and building construction, and developments as defined, that disrupt or expose soil or remove vegetation on one (1) or more acres of land during the life of the construction project, shall be responsible for obtaining a state discharge permit and compliance with the requirements of this Article, and to utilize specific BMPs adopted by the City and within the Stormwater Management Manual. All BMPs designed to meet the requirements of this ordinance shall comply with the Stormwater Management Manual and the Construction Storm Water Management Plan.

(3) Waste Disposal. Solid waste, industrial waste, yard waste, rubbish, discarded building materials, chemicals, sanitary wastes and any other pollutants or waste on any construction site shall be controlled through the use of BMPs. Waste containers shall be provided and maintained by the owner or contractor on construction sites where there is the potential for release of waste. Uncontained waste, rubbish and other pollutants or toxins that may blow, wash or otherwise be released from the site are prohibited.

(4) Ready-mixed concrete or any materials resulting from the washing or cleaning of vehicles or equipment containing or used in transporting or applying ready-mixed concrete, shall be contained in a designated area on construction sites for proper disposal. All washing-out of concrete mixer truck bowls and chutes and release of these materials in to storm drains is prohibited.

(5) Erosion and Sediment Control. BMPs shall be implemented to prevent the release of sediment from construction sites and development. Disturbed area(s) shall be minimized and disturbed soil, including but not limited to construction sites and entrances and exits therefrom, shall be managed to prevent tracking, blowing and fugitive emissions release. Any water used in cleaning operations shall not be disposed into the storm sewer system. Sediment, dirt and mud tracked onto public streets shall be removed immediately by sweeping, scooping and shoveling at the owner's expense. Sediment not removed within the specified time limits as stated in a notification will be removed by the City or designated contractor. Such removal costs will be billed to the property owner and, if not paid, become a lien on the property.

(6) Materials storage: Construction materials stored on public streets or required as part of a public construction project occurring in the Right-of-Way will require BMPs if determined appropriate by the City Manager .

(B) Construction Sites Requiring an Approved Construction Storm Water Management Plan

(1) Where any public or private construction, including subdivision development, will disturb or expose soil or remove vegetation on one (1) or more acres of land during the life of the construction project, including the disturbance of less than one (1) acre of total land that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb one (1) or more acres, or on smaller projects as designated by the City, a Construction Storm Water Management Plan for the project must be provided to the City and implemented by the construction site owner as follows:

(a) The preparation, content and implementation of the Construction Storm Water Management Plan shall comply with this Article, the Stormwater Management Manual and all applicable laws.

(b) The area included in the Construction Storm Water Management Plan, shall be assumed to include the entire property area, unless the applicable Construction Storm Water Management Plan specifically excludes certain areas from disturbance.

(c) Construction Storm Water Management Plans must be provided for all phases of development, including sanitary sewer and Storm Drainage System construction, waterline, street and sidewalk construction, grading, installation of other utilities, the construction of all buildings and/or individual site development and landscaping for common areas owned and maintained by the POA.

(d) The Construction Storm Water Management Plan must be provided by the owner and submitted to the City Community Development Department for approval during the development review process.

(e) The City will review the Construction Storm Water Management Plans as part of the development review process and approval must be provided before commencement of construction.

(f) Construction activity, including any soil disturbance, stockpiling or transport, or removal of vegetation, shall not commence on the site until the Community Development Department has issued written approval of the Construction Storm Water Management Plan Acceptance.

(g) The property owner bears all legal and financial responsibility for implementation, monitoring of and for the approved Construction Storm Water Management Plan, for all construction activity within the development and for notification of all contractors and utility agencies on the site regarding compliance with the same. The requirement to follow the terms of the Construction Storm Water Management Plan shall be recorded as a note on the property plat. The owner shall provide a copy of the approved Construction Storm Water Management Plan to all utility agencies, subcontractors and other agencies or person(s) prior to working on or within the construction site or subdivision development. If a property is sold the owner is responsible for insuring the Plan is part of the property sale and is included when a Planning Clearance is obtained for a building permit. The Construction Storm Water Management Plan must be attached to the Planning Clearance to obtain a building permit.

(C) Construction Storm Water Management Plans

Preparation, content and implementation of Construction Storm Water Management Plans for all public and private construction activity shall, in addition to requirements in the Stormwater Management Manual and all applicable laws:

(1) Be prepared under the direction of a qualified person, as defined in §16-141 of this Article.

(2) Provide the name, address and phone number of the project owner for purposes of correspondence and enforcement.

(3) Specify and provide detail for all BMPs necessary to meet the requirements of this Article, including any applicable BMPs that have been adopted and imposed by the City.

(D) Implementation of Approved Construction Storm Water Management Plans

(1) BMPs shall be installed and maintained by a Qualified Person(s).

(2) The owner shall be able to provide upon request a copy of the Construction Storm Water Management Plan on site during construction.

(3) The owner shall inspect all BMPs at least once every fourteen days, and after any precipitation or snowmelt event that causes surface erosion. The owner must provide consent to the City for the City to inspect any BMP without advance notice or permission from the owner.

(4) Based upon inspections performed by the owner or by authorized City personnel, modifications to the Construction Storm Water Management Plan shall be necessary if at any time the specified BMPs do not meet the objectives of this Article.

(5) If modification is required, the owner shall meet and confer with authorized City personnel to determine the nature and extent of modification(s). All approved modification(s) shall be completed in a timely manner, but in no case more than seven (7) calendar days after the inspection showing that modification is needed. Modification(s) shall be recorded on the owner's copy of the Construction Storm Water Management Plan. In the case of an emergency, the contractor shall implement conservative BMPs and follow up with City personnel the next working day.

(E) Post-Construction Requirement of Permanent BMPs.

(1) Land development that meets the requirements of Section 16-143(B)(1) shall implement storm water runoff controls through the use of permanent BMPs. All permanent BMPs shall be maintained in good working condition for the life of the development.

(2) Developments that have permanent BMPs installed shall maintain those BMPs in good working condition for the life of the development.

(3) Structural BMPs located on property shall be owned, operated, inspected and maintained by the owner(s) of the property and those persons responsible for the property on which the BMP is located. The legal responsibility to maintain the BMPs shall be included in POA incorporation articles and covenant restrictions, and development agreements for commercial sites. As a condition of approval of the BMP(s), the owner and those persons responsible for the property shall also agree to maintain the BMP to its design capacity unless or until the City shall relieve the property owner of that responsibility in writing. The obligation to maintain the BMP(s) shall be recorded on the property plat. The development agreement shall include any and all maintenance easements required to access and inspect the BMP(s) and to perform routine maintenance as necessary to ensure proper functioning of the storm water BMP. The building of any structures on such maintenance easements is prohibited. Any agreement arising out of or under this Article shall be recorded in the office of the Grand Junction City Clerk and/or the Mesa County land records.

(4) The City will issue annual notices to POAs to ensure inspections and maintenance of permanent BMPs are performed properly.

(F) Certification of Permanent BMPs

(1) Upon completion of a construction project and before a certificate of occupancy or clearance by the Building Department shall be granted, the City shall be provided a written certification signed by a Qualified Person stating that the completed project is in compliance with the approved Construction Storm Water Management Plan. All applicants are required to submit "as built" plans for any permanent BMP(s) after final construction is completed. A digital copy of the as-built plans is required in current Autocad format. A final inspection by the City is required before the release of any performance securities may occur.

(G) Ongoing Inspection and Maintenance of Permanent BMPs

Permanent BMPs included in a Construction Storm Water Management Plan which is subject to an inspection and maintenance agreement must undergo ongoing annual inspections by a Qualified Person or Professional Engineer to document maintenance and repair needs and to ensure compliance with the requirements of the agreement, the Construction Storm Water Management Plan and this Article.

Sec. 16-144. ENFORCEMENT.

(A) The City Manager shall have the right to enter the premises at any time to investigate if the discharger is complying with all requirements of this Article when there is reason to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this Article. Investigation may include, but is not limited to, the following: the sampling of any suspected discharge, the taking of photographs, interviewing of any person having any knowledge related to the suspected discharge or violation and access to any and all facilities or areas within the premises that may have any effect on the discharge or alleged violation. In the event that the owner or occupant refuses entry after a request to enter has been made, the City is hereby empowered to seek assistance from the City Attorney and the municipal court in obtaining such entry.

(B) Whenever the City finds that any person has violated any portion of this Article, the City Manager shall serve a Notice of Violation (NOV), a written notice stating the nature of the violation. Within the time specified after the date of such notice the person shall submit to the City Manager evidence of the satisfactory correction of the violation.

(C) Whenever the City Manager finds that any person has violated or is violating this Article or a permit or Administrative Order issued hereunder, the City Manager may have served upon said person an Administrative Order. Such order may be a Compliance Order, a Show Cause Order, a Cease and Desist Order or an order assessing an administrative fine. Compliance with an Administrative Order shall not relieve the user of liability for any violations occurring before or after the issuance of the Administrative Order or prevent the City Attorney from taking any other enforcement action.

(D) Upset condition

(1) An upset condition determination constitutes an affirmative defense to an action brought for noncompliance when the terms of this article are met. An owner who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the cause(s) of the upset can be identified; and
- b. The facility or operation was at the time being properly operated; and
- c. Notice of the upset was submitted as required in § 16-142 (D); and

d. Remedial measures were complied with as required.

(2) Burden of proof. In any enforcement proceeding the one seeking to establish the occurrence of an upset has the burden of proof.

(E) Any person wishing to appeal any decision, action, Administrative Order, assessment of administrative fine, or determination made and issued by the City Manager in interpreting, enforcing or implementing the provisions of this Article, or the provision of any Administrative Order issued under this Article, shall file with the City Manager a written request for reconsideration within ten working days of such decision, action, Administrative Order or determination. That written request shall set forth in detail the facts supporting the request. The City Manager shall hold a hearing within ten working days of such request. All requests for reconsideration shall be heard by the City Manager within ten working days from the date of the hearing. The decision, action, Administrative Order or determination shall remain in effect during the reconsideration period.

(F) Any person entitled to appeal an order of the City Manager pertaining to a violation of this Article may do so by filing an appeal with the City Manager within ten working days from the date of the City Manager's determination or order. The appeal shall contain the following items:

1. A heading in the words "Before the Storm water Hearing Board of the City of Grand Junction, Colorado" or "Before the Storm water Hearing Officer of the City of Grand Junction, Colorado";
2. A caption reading "Appeal of _____," giving the names of all participating appellants;
3. A statement of the legal interest of the appellants in the affected facility, together with the name of the authorized representative thereof;
4. A concise statement of the action protested, together with any material facts;
5. Verified signatures of all appellants, together with official mailing addresses and telephone numbers; and
6. Verification by declaration under perjury of at least one appellant as to the truth of the matters stated in the appeal.

Upon receipt of a properly filed appeal, the City Manager shall notify the City Council, and the City Manager shall convene a Storm Water Hearing Board or appoint a hearing officer. The hearing shall commence no sooner than ten days, but no later than sixty days, after the appeal is filed.

(G) The City Manager is authorized to order any user who causes, makes, or allows an unauthorized direct or indirect discharge or a harmful contribution to the Storm Drainage System to show cause why appropriate enforcement action should not be taken. In such case, a notice shall be served on the respondent user specifying the time and place of a hearing regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served upon the user personally or by certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or authorized representative of a corporation or partnership.

(H) The City Manager may appoint a hearing officer or may instead convene a Storm Water Hearing Board to conduct the hearing or appeal. The board may consist of a City Council member or designee, the City Manager, a 5-2-1 Drainage Authority Board member or designee and an employee of the Public Works and Utilities Department. The hearing officer or Storm Water Hearing Board shall have the power to:

1. Issue in the name of the City Council notices of hearings requiring the attendance and testimony of witnesses and the production of evidence.
2. Hold a quasi-judiciary hearing, and receive relevant evidence relating to compliance with the requirements set forth in this Article. Hearings shall be conducted informally. Rules of civil procedure and evidence shall not solely determine the conduct of the hearing or the admissibility of evidence. All testimony shall be given under oath, and a tape recording or other evidence of the verbatim content of the hearing shall be made. The burden of persuasion in either an appeal or show cause hearing shall be upon the appellant or respondent. The standard of proof to be utilized by the officer or board in making its findings or recommendations shall be a preponderance of the evidence.
3. Determine and find whether just cause exists for not taking the proposed enforcement actions, or whether the order or action appealed is unwarranted.

4. Transmit a report of the evidence and hearing, including transcripts, tapes, and copies of other evidence requested by any party, together with findings and recommendations to all parties to the hearing and to the City Council.

(I) Findings and recommendations of the hearing board or officer shall be final and binding upon the City Manager and parties to the hearing, provided, however, that if the City Council disapproves the recommendations of the hearing board or officer within thirty days thereof, the Council may conduct its own hearing, make its own findings, and issue its own orders. An order consistent with findings and recommendations of the hearing board or officer, or the City Council, as the case may be, shall be issued by the City Manager. The order may provide for imposition of appropriate penalty charges, and for administrative fines designed to reimburse the City for the costs of the permit enforcement action. Further orders and directives, as are necessary and appropriate to enforce the provisions of this Article may be issued by the City Manager.

(J) Any person who violates a prohibition or fails to meet a requirement of this Article will be subject, without prior notice, to one or more of the enforcement actions identified herein, when attempts to contact the person have failed and the enforcement actions are necessary to stop an actual or threatened discharge, which presents or may present imminent danger to the environment, or to the health or welfare of persons or to the well being of the Storm Drainage System.

(K) Any person who fails to comply with a Notice of Violation shall be subject to any of the following:

(1) The City Manager may issue a Stop Work Order to the owner and contractors on a construction site, by posting the order at the construction site. Unless express written exception is made, the Stop Work Order shall prohibit all further construction activity at the site and shall bar any further inspection or approval(s) necessary to commence or continue construction or to assume occupancy of the site. A Notice of Violation shall accompany the Stop Work Order, and shall define the compliance requirements.

(2) The City Manager may order City representatives to terminate an illicit connection to the Municipal Separate Storm Sewer System. Any expense related to abatement by City or its contractor(s) or agent(s) shall be fully reimbursed by the property owner. Failure to pay may result in the property being liened as provided herein.

(3) When a property owner is not available, not able or not willing to correct a violation, the City Manager may order City personnel, contractor(s) or agent(s) to enter private property to take any and all measures necessary to abate the violation. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow City representatives to enter upon the premises for these purposes. Any expense related to such abatement by City representatives shall be fully reimbursed by the property owner. Failure to pay may result in the property being lienied as provided herein.

(4) Within 30 days after abatement by City representatives, the City Manager shall notify the property owner of the costs of abatement, including administrative costs, and the deadline for payment. If the amount due is not paid, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment plus an administrative charge of 25%. The unpaid liens and charges shall be certified to the County Assessor so that the Assessor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the amount of the assessment on the bill for taxes levied against the parcel of land.

(5) Where necessary for the reasonable implementation of this Article, the City Manager may, by written notice, order any owner of a construction site or subdivision development to post surety, in a form approved by the City Attorney not to exceed a value determined by the City Manager to be necessary to achieve consistent compliance with this Article. The City may deny approval of any building permit, subdivision plat, site development plan, or any other City permit or approval necessary to commence or continue construction or to assume occupancy, until such surety has been filed with the City.

(L) Any person who violates or continues to violate a prohibition or requirement of this Article shall be subject to criminal prosecution to the fullest extent of the law and shall be subject to criminal penalties.

(M) The violation of any provision of this Article or with any orders, rules, regulations, permits and permit conditions shall be deemed a municipal offense. Any person violating this Article shall, upon an adjudication of guilt or a plea of guilty or no contest, be fined to a maximum of \$1,000 for each violation and up to a year in jail. Each separate day on which a violation is committed or continues shall constitute a separate offense.

(1) If any person violates any order of the City Manager, a hearing board or officer or the council, or otherwise fails to comply with any provisions of this Article or the orders, rules, regulations and permits issued hereunder, or discharges into the Storm Drain System or into state waters contrary to the provisions of this Article, federal or state requirements, or contrary to any order of the City, the City may

commence an action in a court of record for appropriate legal and equitable relief. In such action, the City may recover from the defendant reasonable attorney fees, court costs, deposition and discovery costs, expert witness fees, and other expenses of investigation, enforcement action, administrative hearings, and litigation, if the City prevails in the action or settles at the request of the defendant. Any person who violates any of the provisions of this Article shall become liable to the City for any expense, loss, or damage to the City or to the Storm Drain System occasioned by such violation. The City Attorney may seek a preliminary or permanent injunction or both which restrains or compels the activities on the part of the discharger.

(2) Any person who knowingly makes, authorizes, solicits, aids, or attempts to make any false statement, representation or certification in any hearing, or in any permit application, record, report, plan, or other document filed or required to be maintained pursuant to this Article, or who falsifies, tampers with, bypasses, or knowingly renders inaccurate any monitoring device, testing method, or testing samples required under this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000.00 per day for each violation and/or imprisonment not to exceed one year or both.

(3) The remedies provided for in this Article, including recovery of costs, administrative fines and treble damages, shall be cumulative and in addition to any other penalties, sanctions, fines and remedies that may be imposed. Each day in which any such violation occurs, whether civil and/or criminal, shall be deemed a separate and distinct offense.