

**GRAND JUNCTION
CITY COUNCIL ADDITIONAL WORKSHOP
SUMMARY**

APRIL 19, 2004

The City Council of the City of Grand Junction, Colorado met on Monday, April 19, 2004 at 11:37 a.m. in the Administration Conference Room on the 2nd Floor in City Hall to discuss workshop items. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Jim Spehar.

Summaries and action on the following topics:

1. **CABLE TELEVISION FRANCHISE DISCUSSION:** Continuation of the discussion regarding a cable television franchise with Bresnan Communications.

City Attorney John Shaver explained that there are two reasons the City Council might choose to go forward with a franchise process: if they want changes to the current arrangement with the cable company or if they want a more formal arrangement with the current company. The franchise process has specific time lines and requirements.

The existing revocable permit, initially issued in the 1960's, can be considered a franchise; Bresnan has treated it as though it is a franchise agreement, but it is not a modern agreement. The City could formulate a new contract for the relationship with the cable company but by Charter can only enter into such a contract for a maximum of two years. Bresnan, in order to formalize the existing revocable permit, has filed federal paperwork to transfer the permit to them (394 process) but the City must agree to the transfer. If the City were to proceed through the formal process of developing a new franchise agreement, then the question can be put to the voters in April, 2005 and the term of the franchise agreement can be ten to fifteen years.

Paul Kugler, representing Bresnan Communications, stated that his company would not be amenable to a two-year contract because that would mean the contract would be in a constant state of review; by federal law there is a two year checkpoint for franchises. It would be Bresnan's preference for the City to either accept the transfer of the current agreement or to go through the formal franchise process with a vote so the term would be a longer time period. Bresnan will also recognize that the City can begin the franchise process without a formal termination of the previous agreement.

Action summary: The City Council directed Staff to go forward with starting the formal franchise process, giving the required notice, and developing the framework and timelines.

2. **STORMWATER AUTHORITY COMMITTEE IGA UPDATE:** An update on the Stormwater Authority Intergovernmental Agreement drafted by the Authority Charter Committee.

Councilmember Kirtland reviewed the work accomplished so far in the development of a Stormwater Authority. The development began two years ago. All the entities involved have been working collaboratively; with the governing board having representation from each entity. The Authority is not planning to buy equipment but will be entering into contracts. They plan to do a rate study which may result in a monthly fee (a utility fee), the revenues from which to be used for projects dealing with stormwater issues.

City Manager Kelly Arnold applauded the work of the group and advised that the proposed intergovernmental agreement has been reviewed and fine-tuned on a monthly basis. The current version is to be reviewed by each governing body for any changes prior to the planned adoption in June. Each governing body will appoint a member to the five-member Stormwater Authority Board.

Councilmember Hill inquired as to why BLM is not a partner in this collaboration. City Manager Arnold responded that BLM, the Forest Service and the National Park Service declined participation as did Orchard Mesa Drainage District. However, other partners can come into the Authority at a later time. City Attorney John Shaver added that part of the reason the federal authorities have declined participation is because the stormwater regulations are specific to local governments such as cities and counties.

Councilmember Kirtland noted that the Grand Junction Drainage District is a member and will be the administrator for the Authority. By-laws for the entity are being drafted. The Authority is an enterprise which makes it exempt from TABOR issues.

The opt-out provision was discussed with concerns. Utilities Manager Greg Trainor advised that the reason the provision is set up to require any opt-out to be approved by the other entities is to avoid an outstanding obligation owed by an entity where the board has entered into a contract that anticipates the revenues from that entity. Councilmember Kirtland said he would relay the concerns to the other members.

Councilmember Hill expressed concern that the board member terms will be for four years and that would not necessarily coincide with the remaining term of a councilmember.

Action summary: The concerns expressed were noted and Council was asked to get any additional comments or concerns on the agreement back to Councilmember Kirtland prior to the next meeting scheduled for April 28th.

ADJOURN

The meeting adjourned at 1:15 p.m.