

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

November 20, 1996

The City Council of the City of Grand Junction, Colorado, convened into regular session the 20th day of November, 1996, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, David Graham, R.T. Mantlo, Ron Maupin, Janet Terry, Reford Theobald, and President of the Council Linda Afman. Also present were City Manager Mark Achen, City Attorney John Shaver, and Acting City Clerk Christine English.

Council President Afman called the meeting to order and Councilmember Baughman led in the Pledge of Allegiance. The audience remained standing during the invocation by Councilmember R.T. Mantlo.

APPOINTMENTS TO THE HISTORIC PRESERVATION BOARD

Upon motion by Councilmember Terry, seconded by Councilmember Mantlo and carried, David Bailey and Philip Born were reappointed to the Historic Preservation Board until December, 1999.

APPOINTMENTS TO THE RIVERFRONT COMMISSION

Upon motion by Councilmember Maupin, seconded by Councilmember Graham and carried, William Findlay was appointed to the Riverfront Commission to fill an unexpired term until July, 1999, and Jeanette Main-Goecke was appointed to the Riverfront Commission to fill an unexpired term until July, 1997

CONSENT ITEMS

Councilmember Terry requested Item #11 be removed for full discussion. Councilmember Graham requested Item #9 be removed for full discussion.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item #4 and Councilmember **GRAHAM ABSTAINING** on Item #12.b. and voting **NO** on Item #14, and with Consent Items #9 and #11 removed for full discussion, the remaining Consent Items #1-8, 10, 12-14 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the minutes of the Regular Meeting November 6, 1996

2. **Setting a Hearing on Supplemental Appropriations to the 1996 Budget of the City of Grand Junction**

The requests are to appropriate amounts for contingencies, changes in enterprise fund activity, changes in debt service, additional resources received, additional capital projects, and the increase in inventory.

Proposed Ordinance Making Supplemental Appropriations to the 1996 Budget of the City of Grand Junction

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 4, 1996

3. **Setting a Hearing on the 1997 Annual Appropriations**

The appropriations requests are the result of the budget preparation and reviews of last year with changes as presented and reviewed by City management and the City Council.

Proposed Ordinance - The Annual Appropriation Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District, for the Year Beginning January 1, 1997, and Ending December 31, 1997

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 18, 1996

4. **Automated Citizen Information System (ACIS)**

ACIS is a complete 4-Line w/FAX automated system developed to help local governments and their agencies utilize voice response systems and services to better inform and serve their citizens. Tele-Works, Inc. of Blackburg, Virginia, is the only company that offers a turnkey ACIS system specifically designed for use by local governments.

Action: Award Contract for Automated Citizens Information System (ACIS) to Tele-Works, Inc. in the Amount of \$18,950

5. **Replacement Purchase of a Crackfill Machine for Public Works Street Maintenance Division**

The following bids were received on July 10, 1996:

Paving Maintenance Supply, Colorado Springs (Crafco 125 Melter)	\$23,867*
Municipal & Contractors Equip., Commerce City (Stepp OJK-120-D)	\$22,720

* Recommended Award

Action: Award Contract for Crackfill Machine for Public Works Street Maintenance Division to Paving Maintenance Supply of Colorado Springs in the Amount of \$23,867_

6. **Bicycle/Pedestrian Path Adjacent to Horizon Drive, 7th Street to Walker Field Airport**

The City of Grand Junction was awarded a Federal Enhancement Grant as partial funding for the project to construct a bicycle/pedestrian path adjacent to Horizon Drive from 7th Street to Walker Field Airport. The Colorado Department of Transportation (CDOT) requires adoption of this resolution to meet the contract requirements and thereby enter into an agreement to construct the facilities.

Resolution No. 109-96 - A Resolution Accepting a Grant for Federal-Aid Funds from the Intermodal Surface Transportation Efficiency Act of 1991 for the Project Identified as STE C080-014, or the Horizon Drive Bike/Pedestrian Path

Action: Adopt Resolution No. 109-96

7. **Setting a Hearing on Vacating Right-of-Way at Bunting Avenue and 29 Road** [File #VR-96-73]

Request to vacate: (1) the 30 foot right-of-way that was originally designated as an extension of Bunting Avenue; and (2) a 10-foot north-south alley right-of-way in the same

vicinity in order to replat two existing parcels into a single lot.

Proposed Ordinance Vacating an East-West Street Right-of-Way and a Portion of a North-South Alley Right-of-Way in the Vicinity of 29 Road and Bunting Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 4, 1996

8. **Setting a Hearing on Rezoning Johnson Minor Subdivision from RSF-R to RSF-4** [File #RZF-96-194]

The applicant proposes to rezone a 2.1 acre parcel from RSF-R to RSF-4 in conjunction with a two lot minor residential subdivision request previously heard and approved by the Planning Commission. A variance to Section 5-1-8 to allow a septic system in lieu of city sewer is also sought. An additional lot will be created in the rear of the parcel at 693 23 Road. The variance is required for the additional home to be serviced by a septic system since sewer is not located within 400 feet of the property. The variance will be heard at second reading of the ordinance.

Proposed Ordinance Rezoning Property to be Known as Johnson Minor Subdivision, Located on the West Side of 25 Road, South of G Road, from RSF-R to RSF-4

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 4, 1996

9. **Street Name Change from Faith Street to Bogart Lane**
[File #RP-96-202] - **REMOVED FOR FULL DISCUSSION**

10. **Setting a Hearing for Rezoning North Valley Subdivision from PR-12 to PR-3.8** [File #RZF-96-216]

A rezone reducing the density from PR-12 to PR-3.8 for North Valley, Filings 3 and 4

Proposed Ordinance Rezoning North Valley Subdivision, Filings 3 and 4, from PR-12 to PR-3.8

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 4, 1996

11. **Intergovernmental Planning Agreements with Fruita and Palisade - REMOVED FOR FULL DISCUSSION**
12. **Setting Hearings for Annexing and Zoning of Bookcliff Country Club Enclave to RSF-4 and PR** [File #ANX-96-220]

This annexation consists of 136.38 acres. It includes the Bookcliff Country Club and several residential parcels along 27 Road. This area will have been totally surrounded by City limits for 3 years on January 2, 1997. Colorado State Statutes allows the City to unilaterally annex an area that has been enclaved by the City. Recommended zoning for the enclave includes PR for the Bookcliff Country Club and RSF-4 for the residential properties.

a. **Annexing Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bookcliff Country Club Enclave, Located between I-70, G Road, Horizon Drive and 27 Road, and Consisting of Approximately 136.38 Acres

b. **Zoning Ordinance**

Proposed Ordinance Zoning the Bookcliff Country Club Enclave Annexation to RSF-4 and PR

Action: Adopt Proposed Ordinances on First Reading and Set Hearings for December 4, 1996

13. **Setting a Hearing on Annexing the Airport West Enclave**
[File #ANX-96-221]

This annexation consists of approximately 321 acres. It includes the Airport lands, an upholstery and dog kennel business, vacant and agricultural lands off H Road, as well as several residential parcels along 27 Road in the Skyline Subdivision. This area will have been totally surrounded by City limits for 3 years on January 2, 1997, which is 3 days prior to the planned effective date. Colorado State

Statutes allows the City to unilaterally annex an area that has been enclaved by the City.

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Airport West Enclave Annexation, Approximately 321 Acres, Located North and South of H Road between the Airport and 27 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 4, 1996

14. Change Order No. 4 to Construction Contract for Canyon View Park

Including Change Order No. 4 in the amount of \$58,126, the total increase for the M.A. Concrete Construction contract at Canyon View Park will be \$94,406.19. The revised contract amount will be \$5,660,306.19.

Action: Authorize the City Manager to Execute Change Order No. 4 to M.A. Concrete Construction Contract for Canyon View Park

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

STREET NAME CHANGE FROM FAITH STREET TO BOGART LANE - RESOLUTION NO. 110-96 - A RESOLUTION CHANGING THE NAME OF FAITH STREET WITHIN GRACE COMMERCIAL SUBDIVISION REPLAT TO BOGART LANE

[FILE #RP-96-202]

As owner and developer of Grace Commercial Subdivision Replat, Jack Bogart requests that Faith Street be renamed Bogart Lane. This subdivision, located between 25 and 25 1/2 Road, north of Highway 6 & 50 (directly west of Sam's Club) is largely vacant with no businesses within the subdivision with Faith Street addresses.

Councilmember Graham asked if there was anyone in the audience wishing to address Council regarding the name change.

Mr. Jack Bogart said he is requesting the name change because it would reflect his long standing in the community, and would be more of a commercial type endeavor.

Councilmember Terry asked if there would be any impact to the residents on the street. Mr. Bogart said there are no residences currently yet he hopes there will be future businesses on the street.

There were no other comments. Upon motion by Councilmember Graham, seconded by Councilmember Mantlo and carried by a roll call vote, Resolution No. 110-96 was adopted.

INTERGOVERNMENTAL PLANNING AGREEMENTS WITH FRUITA AND PALISADE -
RESOLUTION NO. 111-96 - A RESOLUTION AUTHORIZING THE MAYOR TO SIGN
COOPERATIVE PLANNING AGREEMENTS BETWEEN THE CITY OF GRAND
JUNCTION, MESA COUNTY AND FRUITA, AND THE CITY OF GRAND JUNCTION,
MESA COUNTY AND PALISADE

A request to approve a resolution authorizing the Mayor to sign Cooperative Planning Agreements for areas of joint concern between Grand Junction and Fruita and Grand Junction and Palisade. The Intergovernmental Agreements (IGA's) are an interim step to a final IGA to implement portions of the Growth Plan.

Kathy Portner, Acting Community Development Director, reviewed the agreements. The areas covered by the agreements were identified during the Growth Planning process as areas which the citizens would like to see remain rural, so each City could maintain its own distinct character. The final planning agreements will be available within the next eighteen months. Any concerns of property owners and citizens prior to the interim agreement will be considered in drafting the final agreements. The cities agree not to annex any territory or extend any municipal utility services that are not already present, without the mutual consent of all parties. Within the cooperative planning areas, all parties agree not to extend any sanitary sewer line or recommend amendment to any 201 sewer service area boundary without the mutual consent of all parties. Mesa County will revise the Mesa County Land Development Code appropriately to implement the portion of the Mesa County-wide Land Use Plan which pertains to the joint areas of concern. The cities will have the opportunity to comment on any development proposals which occur within the areas of joint concern. Public meetings were held on October 29 and 30, 1996 on the interim agreement. Comments from those

meetings will be considered in drafting the final agreements. There are plans for additional public comment before the final agreement is voted on. The interim agreement gives an eighteen month period to further discuss the agreement.

Councilmember Baughman asked that it be clarified that no annexations or extension of City services to these buffer zones will occur during this interim period. Mayor Afman stated that is correct.

Councilmember Graham inquired if the parties have sufficient remedies set forth in the agreement in the event of a breach. City Attorney Wilson said the agreement is truly cooperative and done in good faith. Additionally, City Manager Achen advised that the intent is to minimize that issue for the purposes of this agreement but to address that very significant issue in the interim period. How that will be done will undoubtedly be a controversial debate. Councilmember Graham referred to paragraph 14 that gives recourse in District Court. He felt Council needs to know whether it can purport to give this remedy, and if so, whether it will be available at law for all the contractual parties in the event it should happen. City Attorney Wilson responded that Council has the power to say the City of Grand Junction would be subject to the City of Fruita's efforts to enforce agreement against the City of Grand Junction, and vice versa. City Attorney Wilson felt the remedy is there by either filing an injunction or a declaratory judgment to construe the agreement.

Ms. Portner said the City of Fruita and the Mesa County Commissioners have already approved the interim agreement. The Town of Palisade plans to conduct a hearing on the agreement next week.

There were no other comments. Upon motion by Councilmember Terry, seconded by Councilmember Maupin and carried by roll call vote, Resolution No. 111-96 was adopted.

MATCHETT PARK ANNEXATION - RESOLUTION NO. 112-96 - A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING PROPERTY KNOWN AS MATCHETT PARK ANNEXATION IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - MATCHETT PARK ANNEXATION, APPROXIMATELY 222 ACRES LOCATED BETWEEN F ROAD AND I-70, AND 28 AND 29 ROADS -

PROPOSED ORDINANCE ZONING THE MATCHETT PARK ANNEXATION PZ [FILE #ANX-96-222]

The property owners, consisting of the Grand Junction Public Finance Corporation and School District 51, have requested to join their properties located north of F Road and east of 28 1/4 Road to the City and have signed a petition for annexation. The Public Zone (PZ) district is being recommended for the entire 222 acre annexation.

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. As a professional planner, Mr. Thornton believed the petition was valid and met all statutory requirements. He submitted his statement to the Acting City Clerk. Staff is recommending a zone of PZ for the entire area.

Councilmember Baughman asked if the Grand Junction Public Finance Corporation was the entity created to finance the purchase of the Matchett property. City Attorney Wilson said yes, and the Corporation holds title to the property. The Corporation Board of Directors is appointed by City Council. The Board consists of Bob Cron, Mark Achen, and Dr. Lynn James. They will deal with issues approximately once a year for review.

Councilmember Graham asked if the act of annexation itself will have any bearing on the City's eventual status as a title holder? City Attorney Wilson said no.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote, Resolution No. 112-96 was adopted setting a hearing for the proposed ordinance annexing the Matchett Farm and the proposed ordinance zoning the Matchett Farm for December 4, 1996.

PUBLIC HEARING - DISSOLVE DRESSEL DRIVE AND COUNTRY CLUB PARK SEWER IMPROVEMENT DISTRICTS [CONTINUED TO DECEMBER 18, 1996 MEETING]

Due to an unfavorable bidding climate in the Grand Valley, construction bids received on May 28, 1996 and October 15, 1996 were substantially higher than originally anticipated. Residents of Dressel Drive are not in favor of paying the increased costs,

however their district must be constructed prior to Country Club Park. Therefore, City staff recommends both Country Club Park and Dressel Drive Sewer Improvement Districts be dissolved as presently configured.

A hearing was held after proper notice. This item was reviewed by Trent Prall, City Utility Engineer. Mr. Prall has worked with the residents on Dressel Drive and Country Club Park for the past seventeen months, and his predecessor had worked with the residents since April, 1994. In April, 1995, the residents of Dressel Drive and Country Club Park were successful in petitioning the City to form two separate sewer improvement districts. The improvement district process serves as a financing mechanism for residents wanting public works improvements. The residents approached the City to use its improvement district process rather than the County's local improvement district process because of the usual shorter period of time between inception and construction. The improvement districts were set up to be 100% funded by the residents, and were to cover the costs for design and construction of the sewer mains and construction of the sewer service lines to the property lines, as well as contract administration and inspection of the facilities. The original cost for the two districts was estimated at \$158,500 for 27 lots. Dressel Drive had seven lots which were estimated at \$28,500 (\$4,072/lot). The Country Club Park portion was estimated at \$130,000 (\$6,500/lot). Three bids were received in May, 1996 with Lyle States Construction being the low bidder at \$215,478. The bid was probably due to a fairly substantial market demand on the local contractors. With the Utilities Committee concurrence, the project was re-bid again on October 15, 1996, with Grant Miller of Breckenridge, Colorado, being the low bidder at \$212,706. This bid was substantially higher than what the residents had originally agreed upon when forming the districts. On October 23, 1996, all the residents of both districts were notified about the increased assessments. Since that time, Staff has received a unanimous petition from the Dressel Drive residents stating they are opposed to the increase. Eight of the residents from the Country Club Park sewer improvement district are also opposed to the increases.

Mr. Prall said the Dressel Drive portion must be constructed prior to Country Club Park. There lies the relationship between the two districts. Even though the majority of Country Club Park is still in favor of the increased assessment, without Dressel Drive they will not be able to construct it under the same cost constraints.

Based on the opposition by the residents of the increase in cost, Staff is recommending the Dressel Drive and Country Club Park sewer improvement districts be dissolved as presently configured.

Councilmember Theobald asked when Mr. Prall felt the City would be able to receive bids more in line with the engineer's estimate. Mr. Prall said he did not know if the City would see such bids again unless an economic collapse occurs. Once the development taking place in our area decreases and contractors are willing to come to areas that have existing utilities in the ground, which usually represents difficult digging conditions, compared to when developing a new piece of land, bids may become more in line.

Mr. Prall said the residents on Country Club Park have failed septic systems, and need sewer right away. Rather than spend money on repairs of the systems, they have petitioned for the sewer improvement district. Five out of the 20 residents apparently are in dire need of sewer. City Attorney Wilson explained when a system fails entirely and there is no replacement, the Health Department could order residents to vacate the premises.

Councilmember Theobald asked, given the bidding climate, if it were possible to have a City crew do the work at the engineer's estimate. Jim Shanks, Director of Public Works and Utilities, said Staff considered the suggestion although the City does not have the type of trenching equipment necessary for this type of work. The trenches are deep and close to structures.

Councilmember Mantlo asked if a bond indebtedness could be considered to handle payment for the districts over a period of time. Mr. Shanks said the term of the improvement district would be a matter of discretion by City Council. Typically, the City has allowed payment over a ten-year period. City Manager Achen said the size of the project is probably not large enough to secure private financing. Payment over a 20-year period is an option, but would increase the total cost to be paid by the residents.

Mr. Prall said originally one district was proposed, however his predecessor felt the Dressel Drive residents would be paying a disproportionate share of the total cost of construction. He therefore recommended to the Dressel Drive residents the seven lots become their own entity, and be assessed differently from the

residents of Country Club Park. As the bids have come in, that has not proven to be true.

Councilmember Graham asked what happens after the districts are dissolved. Does the City still have an active role at that point, or will new petitions be required. Mr. Prall said the City would wait for citizen response to form a much larger district which may or may not lower the costs.

Councilmember Theobald said the City has tried to design a cost sharing method with Mesa County for septic served neighborhoods that need to be retrofitted with sewer. The City has found nothing that suits the County. He would like to see Council make one last attempt at cost sharing and proposed the City pay \$1,000/lot if the County will match that per lot cost. He felt the County needs to share in the solution since this is a County approved subdivision with urban density and no sewer. He felt the two entities should be able to solve this problem.

Ms. Caren Romero, Mesa County Health Department, has been a Field Sanitarian for the past seven years. She advised that Individual Sewage Disposal System (ISDS) is equitable to a septic system or an on-site sewage disposal system. It is comprised of a settling chamber or settling tank, and an absorption field for the dispersal and treatment of the effluent out of the septic tank. The average life expectancy of an ISDS is considered nationally to be 15 to 20 years. Most of the systems in this area have outlived that expectancy. Four of the seven lots on Dressel Drive are 19 to 28 years old. Sixty percent of the systems have been repaired. The definition of "repair" means to replace the septic tank or the field, or both. A septic tank replacement is not much of a problem, but the absorption field is a problem because it must be relocated in unsaturated, undisturbed soils. It cannot be located under a driveway, trees, patios, or swimming pools. There is not adequate area for relocation of the fields up on the Country Club Park ridge. She said the residents and the County have been trying to work together for the past two years to supply or extend sewer to these residents. Some of these homes are quite old and there are no records on ten of them. There is a lot of rock in the area, also fractured shale, clays and mudstones. The worse area is the south rim. The metal septic tanks have corroded and are leaking. They are a hazard to the property owners as the tanks will collapse and the ground will sink over them. The older systems are too small for today's design. Ms. Romero estimated a cost of \$5,000 and upward to install new systems.

Mr. Prall said the goal is to amend the district cost from \$6,500 to \$7,246 for Country Club Park, and from \$4,072 to \$7,615 for the residents on Dressel Drive. There is no need to recirculate a petition. This public hearing is required to hear the response of the residents. Council needs to amend the district or dissolve it. Depending on what could be worked out with Mesa County, there is a \$3,600 shortfall for Dressel Drive which would not be a subsidy coming from either the City or the County. The last bid is good for 90 days. Most of the residences within the City's boundaries are already sewered. The majority of the unsewered homes are currently in Mesa County.

Councilmember Graham asked what authority Council has to condition, as a prerequisite for annexation, the formation of a sewer improvement district with the assurance that, regardless of the cost, the improvement will be done. City Attorney Wilson said the City could delay the effective date of the annexation until formation occurred, until the bid was awarded and the final assessment came back to Council. In this case, the annexation went forward premised on the engineer's estimate being close enough that the City felt it would work. City Attorney Wilson said when the process began, the City decided the district could not be formed except within the City. It had to be under the City's jurisdiction, so the annexation and sewer improvement district were processed together. A remedy would be a request of the residents to disconnect from the City if the district were dissolved, so the residents could start over.

Councilmember Theobald said putting the residents on sewer was the rationale for annexation. The City has deleted other non-sewered homes from annexation in the past to avoid the issue of septic systems in the City limits, primarily because Mesa County has not been able to come up with a positive provision to solve the problem. The County has expressed to the City that if the property is inside the City limits, it is no longer the County's problem. The City then said it had better not make it the City's problem by annexing the area, since the City did not create the problem.

Comments were taken from the following residents of the area:

Mr. Tom Rooklidge, 317 Country Club Park, submitted copies to Council of the map that was presented to him by Bill Cheney, the former Utilities Engineer for the City. The original estimate was

\$15,000/lot. Mr. Cheney said the south rim can come on for \$6,000 plus a \$500 cushion (Country Club Park). Mr. Cheney had said Dressel Drive is a separate district. Mr. Rooklidge was very concerned about Dressel Drive being a separate district. If something happens and the residents do not want to go forward with the district, the Country Club Park residents will be in trouble since the sewer must go through Dressel Drive first. Mr. Cheney said the City will never allow that to happen. The City approved the creation of the sewer district on April 19, and annexed the area on May 21, 1994. Mr. Rooklidge wrote a letter to Bill Cheney regarding pumps on some of the lots in the area. Mr. Rooklidge has since worked with Trent Prall, the current Utilities Engineer for the City. He petitioned for annexation and the sewer improvement district. He is opposed to the dissolution of the sewer districts because they are greatly needed in the area. He said the Council has all the authority in this case, and the residents have no control or power. He relied on Council to resolve the problem as the homes are located in Grand Junction.

City Attorney Dan Wilson asked Mr. Rooklidge if he recommends Council raise the engineer's estimate to the current bid amount for both Country Club Park and Dressel Drive, and charge the higher amount even if the property owners object. Mr. Rooklidge said most of the residents of Country Club Park realize the sewer district must be formed. No one wants to pay more money. He said combining Country Club Park and Dressel Drive it is \$212,706 divided by 29 lots equals \$7,334.68. If the City was willing to pay 5% on the project, the cost would be reduced to \$6,967.95, meaning \$277.82 less than the last bid for Country Club Park and \$646.50 for Dressel Drive. By combining the districts and waiving the administrative costs, the cost for the entire district would be \$6,542.77 per lot.

Mr. Prall said if the City were to proceed with the increased cost for Dressel Drive and Country Club Park, the Country Club Park district would be amended to add two lots totaling 22 lots. There is a current successful petition to amend the district.

Mr. Dan Roberts, 313 Country Club Park, said prior to his purchase of the property, it was in the process of being condemned because of a faulty septic system. He is presently on a very expensive system. Because of the lay of his property it would cost \$10,000 to hook onto the City's sewer. Mr. Roberts is in the contracting business. When the business gives a bid on a product they have to live with that bid. He thought the City became an estimator when

it said "This is what your project is going to cost." The residents bought into that estimate. When conditions change, his business can sometimes get more money, but the conditions have not changed on Country Club Park. Everyone knew it was a rock pile and would be a difficult installation. The residents relied on the City's numbers and now they are not going to work. Now the City's response is, "Let's dissolve everything and start all over." The problem is not resolved. The residents of Country Club Park feel the City has an immense responsibility in this case, and are asking the City to help solve their problem. He requested the City live with the numbers with both Dressel Drive and Country Club Park sewer districts, and somehow make the project go forward.

City Manager Achen asked Mr. Roberts if he agreed with the increased prices. City Attorney Wilson asked if Mr. Roberts agrees the engineer's estimate should be increased, or does he recommend the district be dissolved. Mr. Roberts said they will have to pay more because they must have sewer sooner or later.

Mr. Paul Heidel, 407 Country Club Park, said he has no sewer problem. He has lived in his home for 44 years and had his system maintained annually. He agreed with Mr. Roberts regarding the City's estimate. A lot of residents signed the petition to form the district on the concept of the estimated cost. He reiterated that Bill Cheney, the former Utilities Engineer for the City, told him the City would cover the increased cost. He felt because some of the residents did not take care of their system over the years, he should not have to spend \$10,000 to help take care of their problem.

Mrs. Luella Cross, 412 Country Club Park, said she is waiting for her system to fail. The Mesa County Health Department told her as the systems failed, they would not be able to have the sewers redone. She has lived in her home for 22 years, and does not want to have to give up her home. She asked the Council to help her as she does not have the money to install this sewer. She would like the City to buy back some of the expense and go on with the district.

Mr. Jim Folsom, 401 Dressel Drive, has been a 31 year resident with no septic problems. He agreed with Mr. Roberts that this could be resolved with the initial price. Those on Dressel Drive became a part of the City because of the offer two years ago by the City to bring in sewer. He and the other Dressel Drive

residents want the district dissolved because it seems to be going nowhere. If it does go somewhere, it will be at a larger cost than agreed to in the beginning. Mr. Folsom said the seven residents would like to disconnect unless there would be a reason to do otherwise, of which they have not seen.

Ms. Lori Thompson, 321 Country Club Park, said she was one of the original residents opposing the sewer. She has a septic tank that is currently causing no problems. She said it is untrue that every resident wants and needs the district. She said a petition was turned into Mr. Prall stating there is a good portion of the residents (20 homeowners) that are opposed to this matter. They are opposed to the increased amount. She was initially opposed to the entire project, but was forced by the 51% vote to agree to the \$6,500 amount. She felt the amended cost being discussed tonight is too much.

Mr. Ed Lomeland, 409 Country Club Park, bought his home in April, 1996. He purchased his home with the understanding that the sewer would be installed this summer at a cost of \$6,500. He has a letter from his realtor that states she contacted the City and received the foregoing information. He encouraged Council to examine other possibilities and see how it can help the residents.

Ms. Elsie King Granere, 408 Country Club Park, has lived there over 31 years. She has replaced her sewer system. She opposed the dissolution of the sewer district, and hoped the City and County would assist the residents in forming this sewer district.

Mr. Clark Milsop, 406 Dressel Drive, purchased his home in January, 1996. He had no idea the sewer district had been formed. He was having problems with his leach field which is currently gone. He has to either bring in a 4" line and tie in below or simply move to another location. He does not know if he is going to annexed into the City because he is within 300 feet of the sewer. He cannot replace his septic system or leach field. He must tie into the City's sewer line. He has needed to replace his system for three months. Mr. Milsop was informed by Council he is already annexed into the City. He favors dissolving the district because he cannot pay the increased cost. If he had known the cost could be as much as \$12,000 to \$15,000 to put in his own line he would never have purchased the property.

Mr. Prall said since Mr. Milsop desperately needed sewer, if the district was going to go forward, he was planning to let Mr. Milsop tie into the manhole temporarily with a 4" service line which is non-standard. When the sewer is extended on to service the other seven lots, the temporary line would be removed and stubbed into the main line coming into the manhole.

Mr. Marvin DeJong, 405 Dressel Drive, said the residents of Dressel Drive are not opposed to constructing the sewer district but are totally opposed to the increase in cost as none of the residents can afford the increase. If the original costs were to be assessed, the residents would not be in favor of the dissolution of the district.

Mr. Scott Christiansen, 318 Country Club Park, has lived at this address since 1955. He would like to pay \$6,500 into a sewer, not a leach field.

There were no other public comments.

Trent Prall said the feasibility study was originally done by Gerald Williams as well as the final design. The study looks at topographic maps of the area and soil exploration, grades, etc., and said the creation of a district is usually done with a feasibility study prior to the creation. The residents then determine whether to circulate a petition for engineering costs to be expended by the City in order to determine the actual project design and phases. City Manager Achen said there is a legal process that must be followed. Each step of the process is critical. If Council discusses amending or modifying the district, Council will have to consider whether those steps required are being adequately met with each option.

Councilmember Theobald said the administrative costs, inspection and design, etc. have already been incurred. Mr. Prall said approximately half of those costs have been incurred. The City still has to go through construction with a construction inspector on the job full time. Councilmember Theobald asked what the cost would be if Country Club Park was still constructed, but Dressel Drive was not, except for the line that would have to be extended to Country Club Park. How much of the Dressel Drive cost is putting a line in the road, and how much is dealing with seven lots. Mr. Prall said if Dressel Drive does not want the district, the City could extend sewer to Country Club Park along the same alignment, etc., and increase the assessable cost to the Country

Club Park residents (approximately \$9,968/lot based on 22 lots). A reimbursement agreement would be put in place that would allow those residents to recover some of the costs when the Dressel Drive systems finally fail, and they do connect to sewer. Mr. Prall said the entire bid amount of \$53,299 would be cost incurred to serve Country Club Park if no one on Dressel Drive is part of a district.

City Attorney Wilson asked what amount the Dressel Drive residents would pay to reimburse. Mr. Prall said he would want to set it up under 29 lots being the total number of beneficiaries of that sewer line extension, so they would pay 1/29th of the total amount to go back in. If Dressel Drive did not go forward with the district, their cost would go up, but it would not be via district, it would be via a connection reimbursement agreement later on. At that point, there would be no ten-year financing through the City. Once the residents needed to hook on, they would have to pay cash to reimburse the 22 lots on a pro-rata basis. Mr. Prall said they could finance independently through their own bank.

Getting back to the feasibility study, Mr. Prall said various components of the project are broken down based upon how deep the manholes must be, how long the service lines must be, where the rock is located and if it will have to be dug through. Based on previous bids received in the past, Staff determines an estimated construction cost, then a certain percentage, also based on previous City projects, to be applied toward engineering, contracting, and administration. City Manager Achen explained this is not information that would normally be the basis for a company to bid on and make an informed decision about how much the project would cost. Mr. Prall said that only takes place after the final design. Mr. Achen said a contractor would not be able to give a firm price on this project unless they added a large amount of contingency for uncertainty. The feasibility study is a conceptual plan, not a detailed construction plan.

Councilmember Terry asked why Staff would not have firm bids before going to the residents to create the district. City Manager Achen said because of the substantial costs. The process is set up to avoid the general public bearing a great deal of cost before there is a commitment to participate in sharing of those costs. The cost at risk is the feasibility study cost. Mr. Prall said the City budgets \$10,000/year for feasibility studies with no cost to the residents. This particular study for all 67 homes

cost approximately \$6,200. There is another cost of \$11,700 for final design and printing costs, etc. These costs were necessary to take the project to bid the first time. A cushion of \$500 was put in on top of what Staff originally estimated for the Country Club Park portion. The feasibility study has a contingency of 10%. Generally, the formula works, but in this case it did not.

Mr. Prall said Bill Cheney had contacted the residents saying the residents on Country Club Park are petitioning to form a sewer district and could include the Dressel Drive residents. He said the Dressel Drive costs appear to be somewhat lower than the cost for Country Club Park residents, and recommended the seven Dressel Drive residents form their own improvement district without regard to the fact that one depended upon the other. Mr. Prall said it didn't seem to be an apparent problem at the time, but now it is a problem.

Mayor Afman asked why the Dressel Drive revised bid came in so high compared to the original when they are closer to the sewer than Country Club Park? Mr. Prall said the estimate was based on approximately 415' of line at \$60/foot which is what the City was paying for sewer, including engineering, inspection, etc. Once the project got to final design, the estimated footage on the pipe had increased to 454', with 506' of main line needed to service the seven homes in the Dressel Drive district. He said the original estimate was announced in late 1994. The \$28,500 and the \$130,000 was given in mid-January of 1995. The first hearing for the improvement district was February 15, 1995, and the final formation of the district was April 19, 1995. The final numbers that were on the petition were created in January, 1995. The first high bid was received in May, 1996. The project was not bid out in 1995 because four of the Dressel Drive residents asked the City to consider other options.

Councilmember Graham asked if the homeowners who signed the annexation petition did so in reliance upon getting sewer at a given price? City Attorney Wilson said no one could have reached any other decision. Councilmember Theobald said if the district dissolves he had no qualms about rescinding the annexation as well. He said the dilemma now is what is going to be done about getting sewer, and at what cost.

Mr. Prall said in order to produce the lowest cost per unit, he recommended both districts be combined into one district, including the additional two lots, bringing the total to 29 lots.

The sewer could be easily extended to serve some of the homes at a shallow degree, and require each of the five homes to pump into the sewer. That would be the most cost effective method. A line would serve approximately 35 homes. Based on 29 homes, he estimated \$7,334/lot, based on the Dressel Drive portion and Country Club Park portion being combined, and adding the two lots.

There would be additional expenses to extend the sewer on around. What has been figured thus far is only down to 313 Country Club Park. The figure could be approximately \$7300/lot, which would not substantially reduce the cost for the rest of the property owners. City Attorney Wilson said property owner consent is required to form one district only.

Mr. Prall said the 20 Country Club Park lots would be \$7,991/lot, adding the two additional lots drops the price to \$7,246/lot.

Councilmember Graham asked what prerogative does Council currently have to rescind an already effective annexation. City Attorney Wilson said Staff would be directed to bring back an ordinance to disconnect. A first and second reading would take place before the disconnection is effective. It would not require the approval of a majority of the property owners.

Councilmember Maupin concurred with Councilmember Theobold that the City needs to work together with Mesa County, who is the City's joint sewer partner, to help pay for this sewer district. He felt there was no option but to start over.

Councilmember Theobold said the County simply has no interest in all the suggestions made by Council to split the cost, the sewer fund will pay the cost, the City and County and the sewer fund will pay the cost. He felt someone other than the Council should approach Mesa County to solve this problem.

Mr. Prall said January 15, 1997 is the deadline for the current bid. Mayor Afman said the County Commissioners meet every Tuesday. Council can continue the hearing to a date certain to see what information is available. Council wants to find an answer to solving the problem of the failing septic systems.

Councilmember Graham added the idea of creating an unfavorable precedent with regard to septic systems on current County land is only a problem, as a precedent goes, if Council is willing to repeat the same mistake made in this area. If the City is willing to annex without guaranteeing and insuring that there is a sewer

hookup or an appropriate condition. If the City can make that a specific condition of annexation for future annexations in the Redlands, it will not be as much of an issue. He also pointed out the important City's interest in insuring there is a hookup to sewer as opposed to septic tank in residential areas. Once the areas are annexed, it does become the City's problem. If Council is going to dissolve the district, it must rescind the annexation as well.

City Manager Achen said one of the difficulties is the City's legal authority to proceed under the improvement statutes and laws. If it's outside the City's limits, the City has no legal authority to proceed. Councilmember Graham said the annexation statute allows the Council to place whatever prerequisites it wants as a condition for annexation. Council can require, regardless of cost, sewer hookup. Those bringing petitions for annexation can be apprised of that condition. City Attorney Wilson said the imposition of such a condition requires an annexation election which substantially raises the cost of the entire process.

Councilmember Terry asked what the residents could do to get sewer if they were not in the City. City Attorney Wilson said they could form an improvement district in the County, again by self-financing it. The County Commissioners issue bonds, or could consider internal financing. The County has not, in the past, ever done the internal financing. The cost of issuing bonds is relatively the same for an issue of \$200,000 as it would be for \$1.5. It is very expensive. The City's process is much quicker.

Public Works Director Jim Shanks said the last district formed by Mesa County was the Appleton district in 1985. After that improvement district, the County rewrote their improvement district manual and rules and regulations, and made it much more cumbersome and difficult.

The hearing was closed.

It was moved by Councilmember Mantlo and seconded by Councilmember Theobald that the hearing on this item be continued to December 4, 1996 with the understanding that Council will ask the Mesa County Commissioners to consider this item, and invite all the residents in the two districts to come to a meeting of the Council and County Commissioners and express their views, to see

if the results can become the beginning of an agreement between the City and the County.

City Manager Achen stated Mr. Prall has informed him that practically it would be better to extend this item too, and would not create a problem for the City or for the bid at this point, and would give more time for decision making and discussion.

Councilmember Mantlo amended his motion to continue this item to the December 18, 1996 meeting. Councilmember Theobold agreed to the amendment.

Roll was called on the motion with the following result:

AYE: GRAHAM, MANTLO, MAUPIN, TERRY, THEOBOLD, BAUGHMAN,
AFMAN
NO: None.

PUBLIC HEARING ON THE COUNTRY CLUB PARK WEST #2 ANNEXATION AND ZONING, 327 AND 331 COUNTRY CLUB PARK ROAD - ORDINANCE NO. 2958 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - COUNTRY CLUB PARK WEST #2 ANNEXATION, APPROXIMATELY 1.89 ACRES LOCATED AT 327 AND 331 COUNTRY CLUB PARK ROAD - ORDINANCE NO. 2959 ZONING THE COUNTRY CLUB PARK WEST #2 ANNEXATION RSF-2 [CONTINUED TO DECEMBER 18, 1996 MEETING] [FILE #ANX-96-68]

Dale and Luella Dumont and Carl and Kathy Koch, owners of 327 and 331 Country Club Park Road respectively, are requesting to join their property to the City and have signed an annexation petition. They have also signed a petition to allow for the potential formation of sewer improvement district for their neighborhood. In addition, it is recommended that a Residential Single Family with a maximum of two units per acre (RSF-2) zone district be applied to this annexation. This annexation has been continued from the June 5, 1996 City Council hearing.

Mayor Afman opened the hearing on Country Club Park West #2 Annexation. Upon motion by Councilmember Theobold, seconded by Councilmember Graham and carried by roll call vote, the hearing on this item was continued to December 18, 1996.

Mayor Afman explained Council has postponed any final decision until December 18, 1996. Council would like the homeowners to go to their County Commissioners and explain the situation and

problem to see if there is some way the City and County can work together to bridge the gap between the feasibility study estimate of \$6,500 and the \$4,072 with the current bid. City Manager Achen recommended that City Staff brief County Staff on this idea so they will have advance knowledge of what is going on and be prepared.

Assuming the joint meeting will take place between the City and County, Councilmember Theobold suggested Trent Prall contact the residents of the area regarding the date and time of the meeting.

PUBLIC HEARING - APPEAL OF DENIAL OF CONDITIONAL USE PERMIT AND REQUEST TO VACATE AN EASEMENT AT 778 JASMINE COURT [CONTINUED TO JANUARY 15, 1997] [FILE #VE-96-172]

Mayor Afman asked if there was anyone in the audience wishing to address Council regarding this item. There was no response.

Upon motion by Councilmember Theobold, seconded by Councilmember Terry and carried by roll call vote, this item was moved to the January 15, 1997 City Council meeting.

ADJOURNMENT

Upon motion by Councilmember Theobold, seconded by Councilmember Mantlo and carried, the meeting was adjourned at 10:35 p.m.

Christine English
Acting City Clerk