

**GRAND JUNCTION CITY COUNCIL
AND
BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY**

SPECIAL MEETING

OCTOBER 26, 1999

The Grand Junction City Council and the Mesa County Commissioners convened into special session at the Country Inn, 718 Horizon Drive, to solicit public comment on changes to the 201 Sewer Service Boundary. President of the Council Gene Kinsey and Commission Chair Kathryn Hall convened the meeting at 7:05 p.m. Those present were Councilmembers Cindy Enos-Martinez, Earl Payne, Reford Theobald, Gene Kinsey and Jim Spehar, and County Commissioners Kathryn Hall, Doralyn Genova and Jim Baughman. Clerk for the Commissioners Bert Raley and City Clerk Stephanie Nye were also present.

Commission Chair Hall invited those present to look at the big map on the wall. She then introduced the rest of the officials and staff present.

Mayor Kinsey welcomed those present.

Councilmember Janet Terry entered the meeting at 7:09 p.m.

City Utilities Manager Greg Trainor introduced the discussion. He referred to the maps and identified areas to be deleted and those areas to be added. He gave the history of the original Persigo Sewer Service area. Changes have occurred, growth has occurred and areas have been identified for future growth. It is necessary to amend the boundary to implement the Persigo Agreement. Tonight's discussion was mandated in the agreement to occur within one year.

Mr. Trainor then referred to specific areas to be deleted and noted the reasons why, i.e. in Clifton Sanitation Districts No. 1 and No. 2. The area is presently served by an existing wastewater treatment plant with no plans to eventually hook up to the Persigo system and be served by the Persigo Wastewater Treatment Plant. There is an area adjacent (northeast and southeast) to the airport which will not be developed because of its proximity to runways and airport development. An area along Little Park Road (southwest portion of the 201 sewer service area) is mostly BLM public lands and won't be developed. Monument Valley, an area with existing development with septic systems, and an area west of Canyon View Subdivision will stay rural, also the area west of 19 ½ Road.

Areas proposed to be added are Valle Vista Subdivision which has sewer and an area along the extension that goes to Valle Vista, an area with existing highway commercial in Orchard Mesa because they are presently on sewer, an area along Monument Road

proposed for development, the Appleton area north of Interstate 70, an area that is outside the current 201 sewer service area boundary, but is partially served by sewer (Appleton School). Another area is west of the Airport inside city limits but outside the 201 sewer service area, and adjacent to Paradise Hills which is currently on sewer. The area north of Independence Valley which currently has sewer extended to it and is an area that is presently part of Fruita's 201 sewer service area. The area on Orchard Mesa is proposed to be rural in nature and not be developed in densities less than two acre lots.

Chair Kathryn Hall introduced Councilmember Janet Terry. She then opened up the meeting for public comment.

Gary Plsek had sent a letter referring to property at 872 26 ½ Road. It is in the 201 service area and Mr. Plsek wanted it deleted. The property is vacant farmland and located north of Paradise Hills and west of some of the proposed extension of Paradise Hills. All of the houses in that area are on five acres or more. The city does not have the AFT zoning so taxes would be affected.

Officials advised that taxes depend on the use of the property, not the zoning. Councilmember Terry clarified that the property would not have to be annexed unless it is developed. Mr. Plsek said he might want to split off a lot, then it would trigger annexation.

Sean Norris, 778 23 Road, said the boundary splits his parcel up the middle. It doesn't make sense if developed, with sewer on one half and septic on the other half. He understood the topography, so he asked that it all be included or it all be excluded, three other parcels also. Commissioner Jim Baughman asked Mr. Norris if he had a preference. Mr. Norris said no, it won't affect development.

City Utilities Engineer Trent Prall confirmed that topography did affect the drawn lines.

Councilmember Terry asked if it is in line with the Appleton Road. Mr. Prall said yes.

Councilmember Theobald asked if the sewer will flow all the way to 23 Road if it is extended the other way, that is would it be better to include it all or bring the line back to the east. Mr. Prall recommended bringing it back to the east because lift stations would be required if the boundary were extended further to the west. He would prefer to exclude it because of the drainage.

Ron Drake, 1974 S. Broadway, said his area is large acreage that may or may not be developed. His lot is 1.08 acres. It is difficult to change lines once drawn and conditions are made. They lived previously in Country Club Park and it was costly there to go on sewer (\$12,000 to \$20,000). He doesn't want to be excluded. There are a number of others in his situation, approximately 40 to 60 homes. He felt the boundary should be redrawn to include the lower one-third of his area in the 201 service area.

Councilmember Payne asked Mr. Drake if he attended the buffer zone meetings. Mr. Drake said no. Councilmember Payne said there was a lot of support for a buffer there, 95% in favor versus 5% against.

Councilmember Theobald characterized the expectation of the buffer zone as a rural area, but that may not be the case.

City Manager Mark Achen said Fruita's buffer zone prohibits Fruita or Grand Junction from extending sanitary sewer unilaterally without the approval of all three entities. The purpose was to not allow development in the buffer area.

Marie Tipping, 1967 Broadway, has 8.7 acres in the area. She was concerned with the high water table. In the winter time, water is on the surface. They have above ground septic systems engineered in the area. Her system is functioning okay, but neighbors might have problems. She and the neighbors don't want to be deleted. They have an agricultural nature in the neighborhood where several ranchers bring cattle into the area. They need to stay agricultural and not be in the city, but for health reasons, she would like to be able to get onto the sewer. Councilmember Terry asked Ms. Tipping what the Health Department has said regarding the high water table. Ms. Tipping didn't know.

Councilmember Spehar asked if leaving this area within the boundary would require an agreement with Fruita. City Manager Mark Achen said it would require discussion with them on what the intent is.

Councilmember Payne felt this would be changing the decision from the buffer zone meeting.

Councilmember Terry said they don't need to change the buffer zone, but provide a way to address failed septic systems in existing developments. Taking them out of the 201 would preclude the City and County from helping them in the future. Councilmember Theobald noted sewer service can't be extended outside the 201 boundaries.

County Administrator Bob Jasper said the Persigo Agreement says they can now bring sewer to existing areas in the 201 area, but it is quite expensive. That must be considered. The City and County always have the ability to change the 201 boundary. If later there was a neighborhood that is desperate, the lines could be changed then. Whether doing the sewer now or later, it would still be a considerable amount of money.

James McCall, 2083 S. Broadway, has a failing septic system. He was denied a permit to fix the septic system if sewer was available in the area. His property line is adjacent to Tiara Rado. He would like to retain the option of going on sewer in the future if his septic should fail. His property is approximately 3.5 acres in size. His neighbor has sewer.

Steve Nieslanik, Board member of the Orchard Mesa Sanitation District, said the board is opposed to the deletion of the area east of 30 Road. He feels it goes against the

City/County agreement with goals to pursue health and quality on behalf of all citizens, and to encourage connection of all properties within the 201 in the short term rather than waiting for septic tanks to fail. There are a lot of failing septic tanks in that area and there is high ground water. It has the same problem as in Valle Vista. There is a health and water quality problem in the area with sewer on the ground. He felt the only effort by the City and County has been to write his board a check and try to buy them off. He did not feel that was appropriate.

Councilmember Terry said she and Chair Hall visited with the Orchard Mesa Sanitation District board last year and researched the problem to see what type of failed systems existed, the extent to which they were failing, and the high water table. They did not determine the problem to be as bad as Mr. Nieslanik described it. The data from the Mesa County Health Department does not show the failed systems described by Mr. Nieslanik. She said that was one of the main reasons the decision was made. They are not ignoring the board's problem. Chair Hall said they received the Health Department data, and it wasn't to buy the District out. The City and County were trying to make the District whole for taking care of Valle Vista sewer.

Mr. Nieslanik said he thought they have a problem there with failing systems and extremely high water tables. He said being on that board is tough telling some residents they can have sewer while having to tell others they cannot. He felt this proposal is doomed to fail in this area. He quoted past Grand Junction Mayor Connor Shepherd in a letter stating "Installing the Valle Vista sewer line would result in a population of 24,000 people being added to the area." That was seven years ago, and there has been very little population increase in the area. The District feels those people should be hooked up to sewer.

Councilmember Terry suggested Staff share the data regarding failing systems. She said the 201 system is designed to handle so much volume which is why some of these areas are being deleted.

Mr. Nieslanik said all lines south of Highway 50 would gravity feed into Valle Vista or the District's existing lines.

Councilmember Terry said they had talked about it for months and they made the right decision.

Councilmember Spehar said there was a lot of discussion on how to run that line to minimize the possibility of more development. The Appleton area is an example of sewer extension begetting growth. Once a rural area is sewer, the growth begins.

Larry Beckner, attorney on behalf of Dr. Merkel, owner of property north of the interstate between 24 ½ and 24 ¼ Road and south of the wash, said they want it to be included. It will require a new drill under the interstate at Dr. Merkel's cost. He also owns the two properties to the west between 24 Road and 24 ¼ Road. Commissioner Baughman said that request has been discussed before because of the North Central planning process.

Mr. Beckner understood but requested they follow the wash and bring the area into the 201.

Councilmember Terry asked for the proposed zoning for that property. Mr. Beckner said there is no current proposal. It is currently zoned agricultural.

Chair Hall asked if it is one parcel. Mr. Beckner said there are three parcels.

Kathy Cron, 214 E. Fallen Rock, Monument Valley, owner of a two acre lot, said her property is proposed for deletion. She said there have been flash floods two summers in a row. She has one chance to move her septic system, her neighbor has none because of ravines. Her septic system is 26 years old. She was worried about resale of her home. Councilmember Theobald said, under the Persigo Agreement, sewer and annexation are no longer linked. If her septic failed and she needed sewer service, that would not be a factor in annexation. Ms. Cron asked if sewer were installed in the area, would there be the possibility of being annexed. Councilmember Theobald said it's possible, but not because of the sewer. Chair Hall said the agreement says existing residences can be sewerred without being annexed.

Ms. Cron was concerned that the City will annex around them and they will be left as an enclave. She was assured her property would not be annexed by enclave since her backyard abuts the Colorado National Monument. She said the sewer line is in across the street. She is no longer rural. The urban growth around them leaves them no longer rural. It's being filled in even though they are rural.

Councilmember Terry asked about the rest of the area. Ms. Cron said all the homes on the outside area of Monument Valley have ravine problems. It's the center section that burned two summers ago. Councilmember Terry asked if the neighbors have the same concern as Ms. Cron. Ms. Cron said she had no idea. Councilmember Terry said in order to get sewer, a concerted effort by the neighbors would be required to form the district. Ms. Cron felt that when someone's sewer begins to fail, it will become an issue.

Councilmember Theobald said it is the perception that this area is built out and that it is all two acres or more; thus room for rebuilding septic. It is still very expensive to extend the sewer line to an existing subdivision. Ms. Cron was concerned with property value on residences with old septic systems.

Mary Huber, 580 ½ Melrose Court, said Clifton Sanitation Districts #1 and #2 are proposed to be deleted. She asked what was presented to the Joint Urban Planning Commissions. Their minutes say "as amended", and she wondered where she could find out what the amendment is, who did it and when. Chair Hall said discussions have taken place over the past two years, and Clifton Sanitation requested to be deleted from the 201 boundary. Ms. Huber asked if there was someone from Clifton Sanitation who could verify that. Councilmember Terry said it was very clear at that meeting. She said Larry Beckner was representing all the districts at that meeting and could verify that, although Mr. Beckner had left this meeting.

Ms. Huber asked if the ten year limit means Clifton Sanitation Districts #1 and #2 will be included. Commissioner Genova said one does not affect the other. Boundaries can be changed with action of both bodies.

Councilmember Terry referred to the term “as amended” because it can change from time to time, and probably will change.

Ms. Huber asked how long the urbanized growth boundary can contribute to Persigo 201. Trent Prall said they are looking at expanding the plant in 2011 but the population in the valley could double before the plant reaches capacity.

Ms. Huber said she would like to get something in writing form Clifton Sanitation District #1 and #2 saying they want to be deleted. Chair Hall suggested Ms. Huber talk to the District.

Richard Mason, 2373 H Road, lives in the Appleton area which is proposed to be included. He supported the plan to expand the 201 into that area. Expanding sewer is an expensive process and he encouraged the City and County to investigate ways to provide incentives or creative financing to form improvement districts. Mr. Mason’s property is 2.5 acres, but most of the properties are less than two acres.

Jim Rooks, 155 31 Road, expanded on Mr. Nieslanik’s comments. The proposed sewer boundary goes around 220 acres his family owns. His current residence is outside the red area on the map but he has credit for 4.5 sewer taps granted by the Orchard Mesa Sanitation District. He intends to use one of the credits for his residence when his septic begins to fail. He wants to use another sewer tap on his land and give to his sons. He asked if new residences will be able to hook on in the red area. Chair Hall said yes.

Mr. Rooks didn’t disagree with removing the area for the most part but part of the area needs to be left in. He worked on the Orchard Mesa Master Plan. The area west of 31 Road was designated as four units per acre. The area north of A ½ Road, east of 30 Road, was designated to be five acre tracts. Deleting the area would go against that plan. Under the current land use code, the green area was in the urban growth plan. Mr. Rooks felt the earlier statement about not wanting any growth in this area is taking his property rights. Chipeta Pines Subdivision is currently being annexed. The city limits is expanding. He urged reconsidering the area and deleting part of it and leaving part of it in. Another parcel outside of the red area is already on sewer.

Commissioner Baughman understood at the time of the Valle Vista extension, 400 feet was the distance that sewer service was available. Trent Prall confirmed the red area is 400 feet on either side.

Toby Tiftiller, 2391 H Road, an Appleton citizen, said he liked it there until the sewer line was run to Appleton School. He voted against extending the sewer, mostly because of the expense, \$10,000 to run the line to the house and \$15,000 to hook into the sewer.

He has a brand new house and septic system, and feels it is unnecessary. He didn't move there to be urbanized. It is a rural community. He was concerned with more dense development going into his area. His property is just under two acres. Commissioner Baughman said Mr. Tiftiller would not need sewer until his septic system failed. Mr. Tiftiller said there is still the expense (\$10,000) of running the sewer line down the street. Commissioner Baughman said that won't happen if he does not hook onto the sewer. Pete Baier, County Public Works Director, said if a majority of the people in an area want to form the district, those in the minority would still be assessed.

County Administrator Bob Jasper said the neighborhood voted for it once. They voted again and defeated it by one vote. Staff and the Boards will be meeting next week looking at incentives or ways to bring the price of the sewer down. Mr. Tiftiller said there are as many with failing septics in the area as those with new septics.

Jody Seagull, 3126 B ½ Road, didn't want to be excluded. Their home was built in the 1920's on a little over one acre. She sees the area filling in with many septic systems on two to five acre lots. She felt a County sewer system would be much better than separate septic systems.

Mel Reddig, 265 32 Road, thought the plan looks pretty good, although he would like to be excluded. He didn't feel his property should have been included in the first place.

There were no more public comments. The hearing was closed at 8:40 p.m.

Staff comments were taken at this time.

Councilmember Terry asked, in reference to Monument Valley, if Staff had any reaction to some of the issues brought up by Ms. Cron. Trent Prall said the area could be easily served except for the very northeastern corner of the area which will need a sewer lift station, but it will be expensive (\$12,000 to \$15,000 per lot).

Councilmember Terry asked Mr. Prall if he recalled why this area was proposed for exclusion. Mr. Prall said it was built out on two acre densities and there were several residents that asked to be excluded.

Councilmember Theobald asked if they are on a time frame for making a decision?

Chair Kathy Hall asked what the majority wants to do.

Commissioner Genova said she would like to investigate some of these areas.

Informal discussion by the City and County Officials then took place.

Councilmember Enos-Martinez suggested checking on the Orchard Mesa Plan.

Commissioner Baughman suggested checking with the Heath Department.

Chair Hall said some questions need to be answered and suggested a joint meeting at the beginning of the next City Council meeting to be held on November 3, 1999.

Mayor Gene Kinsey suggested action could be taken at this meeting on those areas that are clearly non-controversial like the airport.

Councilmember Theobold said most of tonight's comments have been on future concerns. There will be enough people at some point with the same problem and need to have a neighborhood solution. At that point, the entire neighborhood is going to need sewer service which also means the entire neighborhood is going to need to be in the 201. He wasn't sure how many of those concerns need to be addressed tonight. He suggested they not overreact, but wait and see what happens. They don't need to solve all the future problems tonight. It makes sense to approve the ones they can tonight.

Councilmember Spehar suggested having Mr. Trainor review each area one by one and a motion can be made on each.

The following individual motions were made:

1. Airport Property

City

Upon motion by Councilmember Theobold, seconded by Councilmember Terry and carried, the airport property was deleted from the 201 Sewer System.

County

Upon motion by Commissioner Genova, seconded by Commissioner Baughman and carried, the deletion was approved.

Councilmember Theobold suggested they not deal with the Plsek property right now, nor the requests for additional additions (150 acres in the west half of the area).

2. Saccomanno Property

City

Upon motion by Councilmember Theobold, seconded by Councilmember Payne and carried, the Saccomanno property was added to the 201 Sewer System.

County

Upon motion by Commissioner Genova, seconded by Commissioner Baughman and carried, the addition was approved.

3. Appleton Addition

City

Upon motion by Councilmember Theobold, seconded by Councilmember Terry and carried, the Appleton Addition was added to the 201 Sewer System and move the western boundary to the eastern property line of those properties that it currently bisects.

County

Upon motion by Commissioner Baughman, seconded by Commissioner Genova and carried, the addition was approved.

4. Independence Valley North

City

Upon motion by Councilmember Theobold, seconded by Councilmember Enos-Martinez and carried, Independence Valley North was added to the 201 Sewer System. It was noted that Fruita must delete a portion of this area from its 201.

County

Upon motion by Commissioner Genova, seconded by Commissioner Baughman and carried, the addition was approved.

City Manager Mark Achen noted that Fruita formally advised the City it is okay to include Independence Valley North in the Persigo 201 Sewer System.

5. 19 1/2 Road buffer area deletion - **NO ACTION ON THIS ITEM.** It was determined this item will be considered at a later time when more information can be obtained. Councilmember Theobold said this needs to be viewed in a larger context. Whatever changes made may also affect the previous perception of the 19 1/2 Road buffer area. He felt the deletion needs to be discussed with Fruita. Councilmember Terry said whatever decision is made (how the 201 amendments are dealt with) would be contained in the body of the buffer zone agreement. Councilmember Theobold said the buffer zone was created outside the context of the discussion of the 201 amendments. In linking the two, they may decide the buffer boundary may also need to change in some way.

6. Wildwood Deletion – It was moved by Councilmember Theobold and seconded by Councilmember Payne to delete the Wildwood Area from the 201 Sewer system. Councilmember Terry asked if the area is developed? Councilmember Theobold said the extent of the development would be a few homes that front on S. Broadway, and then Wildwood. This is in Terry Dixon's neighborhood. Commissioner Baughman said Mr. McCall's house, 2083 S. Broadway, would be in this area. Councilmember Theobold said yes and his house fronts on S. Broadway. Because it's located right across from the existing 201, they could deal with it on an individual basis if a problem comes up. Councilmember Theobold withdrew his motion.

7. Monument Valley

City

Upon motion by Councilmember Terry, seconded by Councilmember Spehar and carried, Monument Valley was not deleted from the 201 Sewer System.

County

Upon motion by Commissioner Baughman, seconded by Commissioner Genova and carried, the motion was approved.

8. Monument Road

City

Upon motion by Councilmember Terry, seconded by Councilmember Terry and carried, the Monument Road area was added to the 201 Sewer System.

County

Upon motion by Commissioner Genova, seconded by Commissioner Baughman and carried, the motion was approved.

9. Little Park Road

County

Upon motion by Commissioner Genova, seconded by Commissioner Baughman and carried, Little Park Road was deleted from the 201 Sewer System.

City

Upon motion by Councilmember Theobold, seconded by Councilmember Terry and carried, the motion was approved.

10. Existing Highway Commercial Area (Trailer Park on the south side of Highway 6 & 50, east of 30 Road)

County

Upon motion by Commissioner Baughman, seconded by Commissioner Genova and carried, the existing Highway Commercial area was added to the 201 Sewer System.

City

Upon motion by Councilmember Terry, seconded by Councilmember Theobold and carried, the motion was approved.

11. Valle Vista (red portion)

County

Upon motion by Commissioner Genova, seconded by Commissioner Baughman and carried, the Valle Vista Extension Addition was added to the 201 Sewer System.

City

Upon motion by Councilmember Terry, seconded by Councilmember Theobold and carried, the motion was approved.

12. Valle Vista (green portion) – **DEFERRED.**

13. Clifton Sanitation District #1 and #1

City

Upon motion by Councilmember Theobold, seconded by Councilmember Terry and carried, Clifton Sanitation District #1 and #2 were deleted from the 201 Sewer System.

County

Upon motion by Commissioner Genova, seconded by Commissioner Baughman and carried, the motion was approved.

Three areas plus the Plsek property were left to discuss.

Chair Hall thanked everyone for attending the meeting and their input, and adjourned the meeting at 9:15 p.m.

Stephanie Nye, CMC/AAE
City Clerk