

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

**SPECIAL MEETING**

**DECEMBER 13, 1999**

The Grand Junction City Council and the Mesa County Commissioners convened into special session on the 13<sup>th</sup> day of December at 7:03 p.m. at Two Rivers Convention Center to continue discussion of the **201 Persigo Boundary Changes**. Those present were Councilmembers Cindy Enos-Martinez, Gene Kinsey, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobald, and Mesa County Commissioners Doralyn Genova, Jim Baughman and Kathy Hall. Also present were City Manager Mark Achen, City Attorney Dan Wilson, Utilities Manager Greg Trainor and City Clerk Stephanie Nye. County staff present included Pete Baier, Public Works Director, and Bob Jasper, Administrator.

Council President Kinsey called the meeting to order.

The City Council and the Mesa County Commissioners met together to discuss the outstanding changes in the 201 boundaries. Utilities Manager Greg Trainor reviewed the issues that were outstanding for the boundary changes. He noted in October a motion was made to add the Orchard Mesa area (Valle Vista) sewer line to the 201 service area. Another area adjacent to 30 Road, along Hwy 50, was also added. Clifton Sanitation Districts #1 and #2 were deleted. The area adjacent to the airport was deleted. The Saccomanno property was added. The Appleton area was added but the western boundary was changed. The area west of Independence Valley (Country Meadows) was added. The S. Broadway area was deferred. The Wildwood/S. Broadway area was proposed for deletion, but was deferred. Monument Valley was kept in. The section north of Monument Road was included. The area along Little Park Road was included. The three remaining areas: 19 ½ Road, Wildwood and West Orchard Mesa were proposed for deletion.

Mr. Trainor said the map was redrawn with the new boundaries shown based on those decisions and the remaining areas identified.

1. 19 ½ Road (Buffer Area)

Greg Trainor referred to the summary. There is one area that was not included in the proposed deletion, but they want to include that in the buffer area.

Commissioner Baughman asked if that is the property discussed at the last meeting that would be divided. Mr. Trainor said that area was in the Appleton deletion and the boundary was adjusted so that property was not split.

Greg Trainor continued. An option is to delete this area and, if there is new development proposed, it can go before all three entities for re-inclusion. There are a number of existing homes on small lots, in this area. Another option is to address

existing lots that are within 400 feet of sewer. However, there are homes within 400 feet. Another option, if there is a majority among the property owners, would be to create an improvement district to extend sewer.

Councilmember Spehar said if there is development there to a density that would support sewer and no topographical reasons not to serve that area should the property owners desire, why not leave it in and leave them with one less hoop to jump through if they decide to create a district. Mr. Trainor said that too is an option.

Councilmember Theobald thought that to be unlikely and did not want to encourage development to be at that density as that would violate the buffer agreement between Fruita, Grand Junction and Mesa County. Commissioner Baughman recalled an extension of the buffer zone in the Redlands and there was a petition from the Redlands residents to include that area in a buffer zone. Their concern was annexation, not sewer. Councilmember Theobald agreed with the result being they do not have access to sewer. Councilmember Terry agreed and wanted to protect the integrity of that agreement, especially without Fruita being present. Commissioner Genova agreed that this area should be left in the buffer zone right now.

Councilmember Baughman recalled there were several residents in that area that wanted to remain in the 201 area. Councilmember Theobald said their topography is incompatible with having to do another septic system if their septic fails. He felt that those lots should be addressed on a case by case basis. Mr. Trainor added that it would be a substantial investment to extend sewer into those areas.

Councilmember Payne favored leaving it out of the area and addressing it at a later time.

Public comment was taken at this time.

Ron Drake, 1974 S. Broadway, which is in this area, said he has a one acre lot near the edge of the area. He was concerned if his sewer system fails it would be difficult to replace. Commissioner Genova noted Mr. Drake is not within 400 feet of a sewer line.

Councilmember Terry advised that several residents in that area would have to form a district if they received approval from the three entities. Mr. Trainor said Mr. Drake is almost a mile from the sewer. Councilmember Terry said all three entities could then discuss this at that time. If sewer extension is approved it would be pretty expensive. Mr. Drake said he is familiar with the process as he used to live in Country Club Park. Mr. Trainor estimated it would cost \$18,000 to \$25,000 per lot.

Marie Tipping, 1967 Broadway, would like to have sewer available because of the high water table. At some point the area will be developed. They are agricultural so they want to remain rural in the buffer. Councilmember Theobald asked if she is willing to have development around her in order to solve the sewer problem. Ms. Tipping said she would be willing. Commissioner Genova said the buffer area is reviewed every five years, with the next review to be three years from now.

Commissioner Baughman argued that these people are saying that someday they may need sewer. Commissioner Genova said any of the agreements can be amended.

Mayor Kinsey stated that although some residents have expressed a desire to have sewer, there was overwhelming testimony at the buffer meetings to keep this area in the buffer area.

There were no other public comments.

### City

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried unanimously, the 19 ½ Road buffer area was deleted from the 201 Sewer System.

### County

It was moved by Commissioner Baughman to leave the 19 ½ Road buffer area in the 201 Sewer System. The motion died for lack of a second.

Upon motion by Commissioner Genova, seconded by Commissioner Baughman and carried with two ayes and one nay, this area was deleted from the 201 Sewer System with the understanding that both areas can be readdressed within the next three years.

Commissioner Hall reminded Commissioner Baughman of the three meetings on buffer zone discussions.

## 2. Wildwood Area

Greg Trainor then reviewed the proposed deletion of the Wildwood area. Two areas are delineated on the map. He reminded everyone about Mr. McCall's comments whose neighbors have sewer. He was near to the sewer service. Staff identified homes that are within 400 feet of existing sewer. There are three lots just adjacent to the Seasons development. Councilmember Theobold clarified that the 400 feet is measured by a direct line. He asked if there is an easement. Mr. Trainor said the lowest lot does have an easement extending through the Seasons. The top lot would have to figure out a way to get the sewer right-of-way. Topography and distance is not a problem.

Councilmember Theobold asked if a property owner could rebuild their failed septic system since they are within 400 feet of sewer, that is would they be allowed to rebuild or would they need to find a way to get the sewer extended themselves. Trent Prall said they would be allowed to rebuild. The Mesa County Health Department regulations state it has to be through platted right-of-way and easements. Greg Trainor added they would have to make an attempt to get the right-of-way.

The other map looks at an area to the northeast of this proposed buffer area, indicating a piece of property that goes to Riggs Hill. It is split by the buffer so they need to consider where to redraw the boundary. There is a home on the property (Guy Stephens house) and it is further away than 400 feet. The other parcel to consider is the Rump property just south of S. Broadway.

James McCall, 2083 S. Broadway, said his house is 200 feet from the sewer line at The Seasons. The house across the street is within 30 feet of sewer. He asked the Mesa

County Health Department about a failed sewer system, and what would happen. They said they will not issue a permit to repair the septic system if he is within 400 feet of sewer. He would like to see the boundary moved back east 200 feet.

Councilmember Terry said those three parcels that can be hooked up to sewer should stay in the service area. Councilmember Theobold said he is struggling with the property (McCall) that does not have a way to get sewer. Mr. McCall feels he can get an easement from his neighbor.

Councilmember Terry asked why this was being proposed to be removed. Mr. Trainor said he did not know about this area. Commissioner Baughman thought the reason is they have large lots and do not want to be part of the City or to develop. Councilmember Theobold recalled it was mostly due to development concerns.

Terry Dixon, 423 Wildwood Drive, said she has spoken with her neighbors, Ray Riley and Steve McCallum, and they, as well as Ms. Dixon, want to be left in the 201 service area. Currently, they are not entertaining the thought of development, but by deleting their area now, a petition would be required to create a sewer district later. Councilmember Spehar said the property owners would also have to petition to be included back in.

Councilmember Terry noted a residential development that meets criteria in the Persigo Agreement would be eligible for annexation. Councilmember Theobold said it must be developed at no smaller than 2-acre lots which would mean expensive sewer.

Councilmember Terry said several hearings have been conducted and notices have been mailed as well as newspaper publications, and she didn't want to change the direction now after City Council and the County Commissioners have already had discussions with those neighbors. Ms. Dixon said her first notice was received last Friday, and apparently there has been miscommunication.

Councilmember Terry felt a change in direction would warrant a new round of public hearings and notification.

Ms. Dixon asked that the Wildwood Drive area not be deleted. She understood if it does get deleted, she could petition later to be reincluded. Mayor Kinsey said yes.

Mr. McCall asked if the 400 foot rule can't be changed, he would like to be an exception. He did not want to be caught in the middle.

Councilmember Theobold said they can't serve Mr. McCall if he is outside the 201. He felt that perhaps the answer Mr. McCall received from the Mesa County Health Department was the generic answer and did not address the more complicated issues. Mr. McCall just wanted to insure that he will be permitted to repair his septic if it fails.

Ray Riley, 373 Granite Falls Way, neighbor of Terry Dixon, said he also did not receive notice. He questioned the harm of leaving their properties in the 201. They didn't want to lose that status and have to fight for it later on. He requested they be left in the 201. Mayor Kinsey said people have told Council they do not want those areas developed and if they have sewer, then it leads to development, and thus City annexation.

Mr. Riley disagreed with Mayor Kinsey's assumption as one doesn't predicate the other.

Commissioner Hall said people have notified the Commissioners in the past that they do not want high density and sewer will trigger development.

Mr. Riley said Council's and the Commissioners' decision impacts the value of his property.

Commissioner Hall said the conclusion came from public meetings that were held with the area residents.

Mr. Riley said he and his neighbors represent ownership of over a hundred acres. He and his neighbors did not have the opportunity to participate in the meetings since they did not receive notice. He challenged that the people in the area want to be out. He wanted to be in the 201. Ms. Dixon wants to be in and Mr. McCallum wants to be in.

Commissioner Baughman confirmed that Mr. Riley and his neighbors have no immediate plans to develop at this time, they just want to preserve their options.

Councilmember Spehar said there is no down side to leaving this in, it is not in the buffer area, and they have the ability to leave this in.

Councilmember Terry said the density from the Growth Plan is part of the motivation for wanting to delete this area. Mr. Riley said the zoning is R-2 (4 units/acre) currently. Commissioner Hall said that zoning is right for high density. It's certainly appropriate for sewer.

Councilmember Theobold recalled the people in this area were overwhelmingly opposed to annexation and development and asked to be deleted from the 201. He favored leaving the area out. If development is going to take place they can argue to be brought back in. Commissioner Baughman reiterated that their concerns were not related to sewer.

Councilmember Spehar said the people representing the majority of the acreage are asking to be left in. He questioned the deletion when there is no downside to leaving it in.

Councilmember Enos-Martinez said they have heard from two owners out of 27, and not the third owner noted by Ms. Dixon.

Councilmember Theobold said Council needs to make their best judgement on what is best for those that did not speak.

Commissioner Hall said there is no downside. They will review the service area in two or three years.

Councilmember Terry said the 201 is supposed to reflect the urban area level of development, and would be aligned with the Master Plan. If they decide to leave it in they need to relook at this area and the Master Plan may need to be changed.

Commissioner Hall said she would like to see the Master Plan. Upon review of the Master Plan, Commissioner Hall said yes it is shown as rural area. She felt they need to go back and notify the entire area and have more residents respond. Councilmember Terry agreed.

Commissioner Genova felt the area should be left in the 201, then renotify and then revisit the issue.

Councilmember Theobald suggested sending all notices by certified mail.

Councilmember Terry asked that Staff make a recommendation to look at the whole surrounding area, not just Wildwood.

Councilmember Payne asked what the time frame would be. Commissioner Hall said the notices need to be mailed certified requesting comments in writing. Councilmember Terry suggested setting a hearing by March.

Mayor Kinsey said it has been agreed to leave the Wildwood area in the 201 service area, set a meeting, and revisit the issue in March of 2000.

### 3. West Orchard Mesa

Pete Baier, Mesa County Public Works Director, then reviewed the third area which is West Orchard Mesa. He reminded everyone that there is an Orchard Mesa Plan which overrides. It had a lot of process with citizens and is to be reviewed every ten years. Mr. Baier said the two areas south of the Valle Vista line should both be included, one area is zoned at 4 units per acre and the area in between should also be included, plus one residence on the east side of Valle Vista on B Road that is potentially within the 400 feet. It is currently being served.

Councilmember Terry asked how the "land between" area is zoned. Baier said it is zoned AFT. The overlay allows one unit per 2.5 acres.

Trent Prall, City Utilities Engineer, said there could be an impact on the lift station at Duck Pond Park. However, the lift station is due to be replaced in 2001.

Mr. Baier said the Growth Plan will be amended to include the Orchard Mesa Neighborhood Plan. Everything north of the Valle Vista line to the river should be removed from the 201 service area.

Debra Davis, Orchard Mesa Sanitation District, said the board members had discussed this with the City and County in October, 1999, and presented options to be considered. She felt the best alternative is to keep B ½ Road, south to the highway, in the service area. They are currently taking sewer to 30 Road with a completion date of April or March, 2000. The main concern is the area east of 31 Road to 32 Road on B Road regarding a water quality problem. People have requested the District to provide sewer service due to problems with their system. The OMSD board wants to get a line designed. It stopped when this discussion began. The owners will have to spend \$8,000 to \$12,000 to engineer a septic system. They would rather have a gravity fed sewer. The District is willing to agree that they will not serve any new development on larger than two acres unless it is already an existing home or parcel. She asked that B

Road be kept in the service area. She said the OMSD is ready to take care of the problem but can't do it if it's outside of the 201 sewer area. Anna Boyles approached the OMSD for service to her property which is approximately 600 feet from the District's line. The District would maintain the 400 feet north of B Road.

Mr. Trainor asked if the OMSD is allowed to serve outside their district. Ms. Davis said they do serve outside their district.

Mesa County Administrator Bob Jasper said the Council and Commissioners need to decide who should serve this area. They can also contract with OMSD or the District can contract. It is a two-body sewer.

Commissioner Baughman said the City of Grand Junction and Orchard Mesa Sanitation District have an agreement on this sewer. He felt this agreement takes precedence.

Mr. Jasper said the agreement is for the District only. All of this is area outside the District.

Councilmember Theobald said the Valle Vista line is now part of the Persigo System rather than Orchard Mesa Sanitation District. Ms. Davis agreed.

Ms. Davis said she would like City Council and the Commissioners to consider leaving the B Road corridor in the 201 service area regardless of who maintains the service.

Debra Davis also noted the District did not receive notice on the October 26 meeting.

Jim Rooks, 155 31 Road, elaborated on the high water table in the area east of 31 Road, south of B Road. He agreed with Debra Davis. He offered to answer questions about the area. He agreed with the recommendations made by Pete Baier.

Councilmember Payne asked if the Valle Vista line can serve all these areas.

Councilmember Theobald said they are proposing the line go down the B Road corridor (400 feet on each side). It could be quite expensive. It would take one mile of pipe to serve approximately 100 acres, at a cost of approximately \$350,000.

City Attorney Dan Wilson reminded Council of the Persigo Agreement which states "There shall be no development or uses approved in the area east of 30 Road, west of 32 Road, connected to the system, except the already developed subdivision Valle Vista. Structures lawfully existing as of the date hereof which are within 400 feet of the existing sewer service line which connects to Valle Vista may be connected to that Valle Vista sewer line...." If this area is left in, the Persigo Agreement and the Orchard Mesa Sanitation District contract need to be amended.

Mr. Wilson said the Orchard Mesa agreement is with the City of Grand Junction only.

Councilmember Terry asked if the contract were amended with Orchard Mesa Sanitation District, would that automatically change the District boundaries. Mr. Wilson said no.

Councilmember Scott asked if there were development in that area and it was hooked to the sewer line, would it then need to be annexed. Mr. Wilson said if new development, then yes, but the agreement said there will be no new development.

Commissioner Baughman recalled the agreement saying the Orchard Mesa Sanitation District can't expand its boundaries without City permission. Mr. Wilson agreed.

Councilmember Theobold felt that who serves is not the issue, but rather will it have sewer and development and all the other side issues.

Councilmember Terry said Pete Baier has said there is capacity. Mr. Baier said yes with the Duck Pond Park lift station upgrade.

Councilmember Terry asked about the additional request all south of the B Road corridor. Utilities Engineer Trent Prall said if it's developed at the existing density and no denser, there would be capacity.

Councilmember Theobold asked if the "land between" was included in the Orchard Mesa Plan. Mr. Baier said yes.

Councilmember Theobold said there is a need to amend the Orchard Mesa Plan and the Growth Plan. Councilmember Terry said the agreement could restrict the "land between" area so it would follow and be in line with the overlay zone— or do the "land between" the same as that to the east.

Councilmember Theobold said amending the Persigo Agreement will be necessary even with the Orchard Mesa plan area and the "land between" area being in the 201 sewer service area.

Commissioner Baughman felt there is enough conflicting information so a decision can't be made tonight.

Councilmember Terry suggested bringing this item back in March.

### City

Upon motion by Councilmember Theobold, seconded by Councilmember Spehar and carried unanimously, the area bounded by 30 Road on the west, 32 Road on the east, the Colorado River on the north and 400 feet north of B Road on the south was deleted from the 201 sewer service area.

### County

Upon motion by Commissioner Genova, seconded by Commissioner Baughman and carried unanimously, the area of 30 Road on the west, 32 Road on the east and 400 feet north of B Road to the Colorado River was deleted from the 201 sewer service area.

Commissioner Genova stated City Council and the County Commissioners need to get with Staff and meet in March of 2000 to discuss the rest of the issues. All affected residents are to be notified by certified mail.

Mayor Kinsey adjourned the special meeting at 9:20 p.m.

Stephanie Nye, CMC  
City Clerk