

DOCUMENTS INDEX - 1994

Rev. 5/97

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- 1994 Sewer rate comparison tables and graphs (prepared by Greg Trainor). **[Greg Trainor Files]**
- 1994 City of Grand Junction/Mesa County Joint Sewer System 1994 Budget Issues. *Note: Section IV "Rights/Responsibilities of Parties: Manager, City of Grand Junction, Mesa County".* Attached are a handwritten diagram of how joint sewer system revenues are disbursed between the various "buckets" utilizing references to the 1992 Bond Resolution Sections 501-509. Attached also: computer print out joint sewer fund budget review, Article VIII 1992 Bond Resolution, pgs.4-5 of the 1980 Agreement, p. 2 of the October 7, 1980 Amendment to the Agreement, and p. 5 of the 1992 Official Statement from the 1992 Bond Refunding. **[County file - Valle Vista - Stack 4]**
- 1994 Mayor and County Commission Chair met several times to resolve the issue. The Mayor submitted a formal proposal for settlement to which the Commissioners never responded, and the Commissioners eventually quit meeting entirely. City Council declared the talks "dead" and told the Commissioners that managing growth was the most important issue confronting the community today and should have the full attention of both governing bodies now. (City Newsletter, August, 1994).
- City and County are starting major land use plans to guide future growth. City hoped these planning efforts might resolve the sewer issue. Commissioners responded with the lawsuit seeking to prohibit any City influence over development standards outside Grand Junction's limits. The suit attempts to prevent any City control over the amount of sewage the plant must treat. It seeks to void provisions of the 1980 Agreement that calls for the sewers to gradually transfer to the City as it grows. It asks that the Commissioners be allowed to use sewer fund balances, over \$6 million, in any manner they choose. (City Newsletter, August, 1994).
- 1994 (Exact date uncertain). Board of County Commissioners of Mesa County - "Goals for 1994". (Produced informally in response to the City's request that the County provided it with a copy of the "1993 Strategic Plan for Mesa County".
- 01/94 Commissioners (Leane or Genova) typewritten notes re: City sewer operation - positive and negative aspects. **[County file - Persigo - Stack 4]**
- 01/94 Handwritten notes of Commissioner (Leane or Spehar) listing the pros and cons of the sewer system issues and issues to be resolved. **[County file - Persigo - Stack 4]**
- 01/02/94 Notes of action by Commissioners on Agenda item re: sewer collection lines - Rosevale area. **[County file "Sewer 1990-1994"]**
- 01/03/94 Letter from James Shanks to Art Crawford enclosing letter received from Doralyn Genova, stating Doralyn Genova had been at 12/6 meeting with Fruitvale Board and several City Council members and agreed arrears should not be collected, that she reaffirmed this with Council member Linda Afman, that nothing further heard from County until 12/28/93 letter. **[051]**
- 01/04/94 Jim Spehar's typewritten notes re: sewer issues - pro/con, includes discussions concerning "advantages of active County role (used as a land use tool and financial responsibility), disadvantages of active County role (administrative, expansion of County into urban services), advantages of legal interpretation [submitting the matter to court], disadvantages of legal interpretation. (*Note: this document is misdated. It should be 1/4/94. See ¶ 5(a) that refers to Mr. Theobald's 11/10/93 letter to the Commissioners.*) **[County file - Persigo - Stack 4]**

- 01/04/94 Letter from James Shanks to Doralyn Genova providing materials requested in 12/28/93 letter and copy of 1/3/94 letter from City to Fruitvale. [051]
- 01/11/94 Letter from Mike Casey, County Administrator to Henry Rider acknowledging receipt of petitions for the construction of a sewer line in the Rosevale area with attached petition. [County file "Sewer 1990-1994"]
- 01/11/94 Letter from Mike Casey, County Administrator, to Mark Achen, stating customers should not be penalized for an error by the operating parties and discussions whether or not City should compensate the fund should be between the two of them. [051]
- 01/12/94 Letter from Joe Crocker, County Public Works Director to Henry Rider re: petitions for sewer line extension for Rosevale area, acknowledging receipt of petitions. [County file "Sewer 1990-1994"]
- 01/18/94 Letter from Commissioners Crouch, Genova and Spehar to Tony Medrano, Chief Programs Operation Section, Municipal Facilities Branch EPA re: Valle Vista subdivision inquiring concerning the EPA's involvement in the controversy over sewer service to Valle Vista and to express the Commissioners "strong concern about how the matter is being handled". [County file - Valle Vista - Stack 4]
- 01/18/94 Letter from Mark Achen to J. Michael Casey stating County's response re outstanding arrears of Fruitvale is disappointing, stating as long as County chose to make the arrears a matter of contention, City has no choice but to bill Fruitvale and will proceed towards collection. (051)
- 01/18/94 Letter from James Shanks to Art Crawford, transmitting letter from J. Michael Casey, recounting that Doralyn Genova, at the 12/6 meeting, had agreed not to collect the billing arrears, saying she had talked to the other two Commissioners, that on 12/28 the City received a letter from Commissioner Genova stating County was undecided on issue, advising City willing to forgive debt if County agrees but since Mesa County has not followed through on its promise to Fruitvale Board, City has no choice but to compile total bill. [051]
- 01/24/94 Notes of Commissioners actions on Agenda items re: Rosevale Jetty Project. [County file "Sewer 1990-1994"]
- 01/25/94 Daily Sentinel Article - "County, City to Investigate Rosevale Area Sewer Service" - authored by Bob Silbernagel. [CDOH Documents]
- 01/25/94 Letter from Commissioner Crouch to Peggy Galligan, Project Administrator, Colorado Department of Health re: Valle Vista sewer line extension. This is a form of letter submitted by Larry Beckner and OMSD to Lyle Dechant for use by the Commissioners to correspond with Ms. Galligan at the Colorado Department of Health (see Beckner's 1/28/94 Fax to Dechant [Note: the fax information at the top of the page]). [County file - Valle Vista - Stack 4]
- 01/26/94 Letter from Emery Johnson, U.S. Department of Agriculture, Soil Conservation Service, District Conservationist to Dwain Watson, CDOH re: Valle Vista interceptor - if federal funds are to be used to construct the sewer line, the guidelines of the Farmland Protection Policy Act (FPPA) were not allowed. [City Utility Files]
- 01/26/94 Letter from Dwain P. Watson, Colorado Department of Health Water Quality Control Division, West Slope District Technician to Commissioner Crouch re: Valle Vista interceptor -- confirming a conversation on 1/25/94 that the project is not on hold or delayed in any way. [County file - Persigo - Stack 4]

- 01/26/94 Letter from Jack McGraw, EPA to Daniel Law, Executive Director of Colorado Water Resources and Power Development Authority re: notice of noncompliance. The CDOH did not conduct an environmental assessment in accordance with the operating agreement for activities and functions in managing the state pollution control revolving fund to program between the state and the EPA. This relates to the Valle Vista expansion. **[Achen's files]**
- 01/28/94 Fax transmission cover sheet from Larry Beckner to Lyle Dechant re: Valle Vista enclosing two forms of letter for the County's signature "as the owner of the plant". (Note: that one of the letters is dated 1/28/94 and one is dated 1/25/94 - see the fax information at the top of the pages). **[County file - Valle Vista - Stack 4]**
- 01/28/94 Letter from John Crouch to Duane Watson, Colorado Department of Health re: Valle Vista interceptor sewer stating that the Persigo Plant has plenty of capacity to handle the Valle Vista expansion and certifying that the County as owner of the Plant and the City, the Plant operated, that the facility has the hydraulic and organic capacity to treat the wastewater flows generated from the Valle Vista interceptor. **[County file - Valle Vista - Stack 4]**
- 02/02/94 CONFIDENTIAL Attorney-Client Letter to Ron Lappi, City of Grand Junction Finance Director and Dan Wilson, City Attorney, from Gregory V. Johnson, Attorney with Rothgerber, Appel, Powers & Johnson, re City of Grand Junction/Mesa County Joint Sewer System [Opinion Letter].
- 02/07/94 Letter from Dwain Watson, CDOH to U.S. Fish & Wildlife Service confirming proposed OMSD sewer line - poses no environmental impact. **[City Utility Files]**
- 02/07/94 Letter from Dwain Watson, CDOH, to Colorado Division of Wildlife confirming proposed Valle Vista OMSD sewer line poses no environmental impact. **[City Utility Files]**
- 02/08/94 Letter from Jim Shanks to Duane Watson, Colorado Department of Health re: Valle Vista sewer: addresses ownership issue, management issue, plant capacity, land use control issues, and expansion of the 201 issues. **[Achen's files]**
- 02/11/94 CDOH - Water Quality Control Division - "Interoffice Communication" re: Valle Vista sewer line (author - Dick Bowman). Historical discussion and recommendation for most cost effective solution to the Valle Vista problem. **[City Utility Files]**
- 02/16/94 Letter from Peggy Galligan, Project Administrator, Financial Assistance Programs, Water Quality Control Division, Colorado Department of Health, to Commissioner Crouch proposing questions to the Commissioners regarding the concerns expressed by the East Valley Citizens Association regarding the Valle Vista interceptor, whether those individuals are participating in the Orchard Mesa/Mesa County land use plan and the County's position regarding financial participation in the project if delayed or stopped due to litigation. **[County file - Persigo - Stack 4]**
- 02/28/94 Letter from Commissioner Crouch to Richard Long, Branch Chief, Municipal Facilities Branch EPA re: wastewater treatment facilities for Valle Vista subdivision. The letter complains regarding the EPA's changing positions in the matter and asserts that the issues are matters of state and local land use control and should not concern the EPA. The letter further asserts that the County is "the entity responsible for land use planning and 201 planning in the Orchard Mesa area, we own the Persigo Sewer Plant which will treat the effluent, we own or control the public rights-of-way in which a facilities may be installed and we certainly have superior standing to individuals not living in the impacted area who, we understand, are complainants in this matter." **[County file - Valle Vista - Stack 4]**
- 03/02/94 Letter from Peggy Galligan, Project Administrator - Financial Assistance Program, Water Quality Control Division of CDOH to Robert Elsberry, OMSD, authorizing an award of a construction contract to M.A. Concrete Construction, Inc. - Valle Vista. **[City Utility Files]**

03/03/94 Letter from Colorado Water Resources & Power Development Authority to OMSD suggesting that OMSD and the Authority terminate the previously agreed to Loan Agreement intended for the construction of the Valle Vista sanitary sewer outfall as a result of concern expressed by the EPA that since the loan was federal funding, the federal environmental review process needed to be compiled with which would result in construction delays. **[City Utility Files]**

03/04/94 Letter from OMSD to Colorado Water Resources & Power Development Authority agreeing to terminate the previously agreed to loan agreement solely because of the possible construction delays but denying that CDOH had failed to follow the proper environmental review processes. OMSD to seek alternatively funding sources. **[City Utility Files]**

03/09/94 Letter from Allan M. (Mac) Williams to Commissioner Crouch, OMSD and the City containing Mr. Williams' "demand for preparation of an environmental impact statement". Relative to the Valle Vista sewer interceptor. **[County file - Persigo - Stack 4]**

03/11/94 Letter from Colorado Department Resources & Power Development Authority to Jack Rychecky, EPA, documenting the termination of the Loan Agreement between the Authority and OMSD so that no federal funds would be distributed to the District for the Valle Vista project. **[City Utility Files]**

03/15/94 Letter from Commissioner Crouch to Peggy Galligan, Colorado Department of Health, re: response to 2/26/94 letter concerning the East Valley Citizens Association. **[County file - Persigo - Stack 4]**

03/16/94 Letter to Allan M. (Mac) Williams from Commissioner Crouch - the EIS demand has been referred to the County attorney. **[County file - Persigo - Stack 4]**

03/16/94 The City Resolution No. 19-94 adopting the Municipal Annexation Plan for the City of Grand Junction - 1994 as required by C.R.S. §31-12-101, et seq. (Resolution and attached Plan).

04/12/94 Letter from Bill Cheney, City Utility Engineer to Joe Croker, Mesa County Public Works Director re: Youngstreet sewer trunkline extension for residents of the Linda Subdivision.

04/13/94 Memo from Dan Wilson and Greg Trainor to City Council and Mark Achen with copies to, among others, Mike Casey, re: proposed Section 4 "System Expansion" of the Sewer Rules and Regulations. Identifies the enclosed proposed section as a "trial balloon". Responses and comments are solicited. **[County file - Persigo - Stack 4]**

04/13/94 Memorandum to Grand Junction City Council and Mark K. Achen, City Manager, from Dan Wilson, City Attorney and Greg Trainor, Utility Manager, re Sewer Regulations.

04/18/94 Letter from Steve Defeyter, Environmental Health Director, Mesa County Health Department to Steve McCallum re: individual sewage disposal system serving 379 South Camp Road. The County will consider Mr. McCallum's application for renewal of expired permit no. 7951 in the event Mr. McCallum constructs modifications pursuant to the revisions to the Colorado Board of Health guidelines on individual sewage disposal systems effective 4/21/94. **[County file "Sewer 1990-1994"]**

04/18/94 Memorandum from Mike Casey to Joe Crocker, Public Works Director and Sue Kaliszewski-Gormley, Support Services Director re: modified sewer regulations/proposed by the City of Grand Junction. Casey as received proposed Section 4 of the City's Rules and Regulations addressing "system expansion". The City is asking the County to comment. Casey seeks review and anticipates providing a recommendation to the Board for discussion prior to development of a formal response to the City. (This date is assumed - Dan Wilson's 4/13/94 memo transmitting a copy of the proposed sewer regulations that was received by Mike Casey at the County on that date and I am assuming he distributed the memo the same day.) **[County file - Persigo - Stack 4]**

05/06/94 Letter from Larry Beckner to City Council re CGVSD Line Maintenance Agreement. **[052 - attached to 5/17/(94) handwritten note]**

05/18/94 Letter from James Shanks to CGVSD re Larry Beckner 5/6/94 letter to City Council re CGVSD Line Maintenance Agreement. **[052]**

05/26/94 Memo from Sandi Glaze, Collections Supervisor, to Ron Lappi, Administrative Services Director, re Backbone Capital Benefit Analysis. **[047]**

05/27/94 Resolution by the Mesa County Board of Health encouraging City to help County Commissioners in taking steps necessary to assist residents of Rosevale area in obtaining public sewer. **[047]**

06/01/94 City of Grand Junction Sewer Rules and Regulations, Section 4, System Expansion (only).

06/07/94 Letter from John Crouch to James Shanks re Trunk Line Extension Projects, advising 26 Road Trunk Sewer Extension has been approved by Commissioners as well as Trunk Line Extension Fund for proposed Rosevale Local Improvement District. **[047]**

06/15/94 Partial copy of NPDES Permit No. CO-0040053 effective 8/1/94, amended 6/30/94 and corrected 6/7/94, to expire 6/30/99. (Missing are pages 11 and 13-20). **[EPA Documents - Permit Section]**

06/16/94 Letter from Stephanie Nye, City Clerk, to Commissioners re: Discovery 76 annexation and enclosing a copy of City Resolution No. 55-94. **[County file "Sewer 1990-1994"]**

06/17/94 Agreement between the City, the County, and Fruitvale Sanitation District for giving Fruitvale underpayment of sewer service charges since May of 1980. Attached to the Agreement are the resolutions of the appropriate boards approving the Agreement: the City, the County, and Fruitvale Sanitation District. (MCA 94-52, MCM 94-126 and City Reso. 49-94)

06/18/94 Memo from CGVSD Sewer Task Force to James Spehar, Chairman of Task Force re summary of proposals and official comments from OMSD, listing alternatives of creating new 201 Special District, privatizing the operation of the Persigo Plant, addressing the City's proposal. **[052]**

06/27/94 Letter from Crouch to Don Van Wormer, et al. re their work on the Valle Vista project.

06/29/94 City Sewer Rules and Regulations Sections 1, 3, and 4 together with Commissioner's handwritten notes analyzing same (particularly Section 4). This is the 6/29/94 version of Section 4. **[County file - Persigo - Stack 4]**

06/29/94 City of Grand Junction Sewer Rules and Regulations, Section 4, System Expansion (only).

07/94 City of Grand Junction Newsletter. Article - "County Commissioners Sue City." CDOH handwritten notes - possible prejudice against the City? **[CDOH Documents]**

07/94 Jim Spehar's handwritten notes analyzing City Rules and Regulations 4.4, 4.9, H, and 4.6, **[County file - Persigo - Stack 4]**

07/94 Handwritten notes (author unknown) critical of the new Rules and Regulations adopted by the City. **[County file - Persigo - Stack 4]**

- 07/05/94 Letter from Shanks to C. Kellie Knowles, West Water Engineering re: Valle Vista payment of joint sewer system fee for D watering the Valle Vista sewer lagoons. Notice to West Water Engineering that the County Commissioners, in spite of their attempt to do so, do not have the authority to waive fees for sewer services provided. There will be a fee charged based upon the appropriate standards. The fee due is \$3,809.50 payable by OMSD if the effluent is discharged into the Persigo System. **[Achen's files]**
- 07/06/94 Letter from Commissioner Crouch to City Council re: proposed amendments to Rules 4.91 and 4.92 (D of the City Sewer Rules and Regulations) and also raising land use control issues (the City's efforts to control development in unincorporated Mesa County); relative powers of the City and County (the City had only limited authority delegated to it pursuant to the joint sewerage system agreements); and that the City's Rules and Regulations are *ultra vires*. The Commissioner demand the withdrawal of the proposed amendments asserting the Rules intrude upon the County's land use control (i.e. the statutory planning and zoning responsibilities) in asserting that the City's Rules and Regulations are beyond the limited authority delegated to the City in the 5/1/80 Agreement. **[Achen's files as of 4/11/95]**
- 07/06/94 City Council meeting - minutes - meeting concerning amendments to Section 4 of the City's adopted Rules and Regulations. Speaking on behalf of the Commissioners, all of whom were present, Commissioner Crouch presented his 7/6/94 letter and read it into the record. Attorney Beckner was also present representing the boards of OMSD and CGVSD. The boards had representatives present also. The districts and the County all voiced objection to the City's adoption of the amendments to Rules 4.91 and 4.92. The district's objection is to the proposed amendments but the discussion centers principally one POAs and annexation. Council votes to delay adoption of the resolution for two weeks until 7/20/94. **[Achen's files as of 4/11/95] [Documents by Category - Volume V]**
- 07/06/94 Copy of Public Notice from the Daily Sentinel re: proposed amendments to the "Sewer Rules and Regulations governing the management and operation of the Joint City-County Sewer System", specifically Rule (D) 4.9.1 and 4.9.2 and giving notice of a meeting to be held on 7/6/94. (The copy appears to have Mr. Crouch's initials in the upper right hand corner.) **[County file "Sewer 1990-1994"]**
- 07/06/94 Letter from Commissioner Crouch to Mayor Mantlo re: proposed amendments to Rules 4.9.1 and 4.9.2 demanding that the Council withdraw the proposed amended rules because they intrude upon the County's statutory planning and zoning responsibilities and are beyond the limited authority delegated to the City in the various joint sewerage system agreements. Reference is made to the 7/6/94 Public Notice in the Daily Sentinel. **[County file "Sewer 1990-1994"]**
- 07/06/94 Public Notice published in the Daily Sentinel concerning the proposed adoption of Sewer Rule D 4.9.1 and 4.9.2. **[County file - Persigo - Stack 4]**
- 07/08/94 Letter from Glenda Noble, Town Clerk, Town of Palisade, to Commissioners re: annexation of the "Hollett property" (with attachments). **[County file "Sewer 1990-1994"]**
- 07/11/94 Letter from Vernon O. Pace, President, Pace Enterprises, Inc. to Commissioner John Crouch re: City annexation. On 7/7/94, Pace attempted to purchase two sewer taps in the CGVSD area and was advised that the City that the taps would not be issued without him first signing a POA, asserts that he is being blackmailed. Encourages the County to file a class action lawsuit against the City. **[County file "Sewer 1990-1994"]**
- 07/12/94 Fax coversheet from Larry Beckner to Doralyn Genova transmitting a copy of Mr. Beckner's 7/12/94 letter to Commissioner Crouch re: OMSD, CGVSD and City of Grand Junction Powers of Attorney for annexation. **[County file "Sewer 1990-1994"]**

- 07/12/94 Letter from Larry Beckner to John Crouch re: City of Grand Junction/Powers of Attorney for annexation. The letter complains that the City unilaterally and without notice adopted Section 4 of the Rules and Regulations which adversely affect the districts, specifically he complains about Rule 4.12, 4.9.1 and 4.9.2. [County file "Sewer 1990-1994"]
- 07/12/94 Letter from Stephanie Nye, City Clerk to Board of County of Commissioners re: Climax Middle Enclave #1 and attaching City Resolution No. 57-94. [County file "Sewer 1990-1994"]
- 07/12/94 Letter from Beckner to Commissioner Crouch re: City of Grand Junction powers of attorney for annexation written on behalf of CGVSD and OMSD. The Districts object to the City's newly adopted (without notice) rules and regulations, especially Section 4 of which requires the execution of POAs. The Districts request "authority from the County to grant final approval for the issuance of a sewer tap for all properties located within the boundaries of each Special District (except for any properties that also located within the City limits)." This is an attempt to get around the City's POA requirement. [County file - Perslgo - Stack 4]
- 07/12/94 Fax transmission sheet from Beckner to Commissioner Genova transmitting a copy of his 7/12/94 letter to Commissioner Crouch requesting authorization to issue sewer clearances for County building permits without requiring the applicant to go to the City to obtain a POA. [County file - Perslgo - Stack 4]
- 07/13/94 Letter from Stephanie Nye, City Clerk to County Commissioners re: replacing letter of 7/12/94 concerning Climax Mill Enclave #1 annexation per City Resolution No. 57-94. [County file "Sewer 1990-1994"]
- 07/13/94 E-Mail from Dan Wilson to Shanks et al. re: meeting with Larry Beckner. Beckner complains that the City has changed its long term policy not to require POAs within the Special Districts, however OMSD intends to give notice of its intent to take over billing (OMSD is ready to sue the City on the billing issue if the City insists on the one bill vs. two bills distinction). [Achen's files]
- 07/13/94 Letter from Mayor Mantlo to County Commissioners re: Land use control issues, regional welfare issues, relative powers of the City and County issues, amendment of the 5/1/80 Agreement and sewer rules and regulations issues. Negotiations regarding the amendment of the 1980 sewer agreement have been unsuccessful and therefore are called off. The City is not interested in creating a County wide super utility authority. The City will work with the County concerning the County's objections to the proposed amendments to the City sewer regulations. [Achen's files as of 4/11/95]
- 07/15/94 Letter from Commissioner Crouch to Vernon O. Pace, President, Pace Enterprises, Inc. acknowledging receipt of Mr. Pace's letter and indicating the matters being reviewed by the County attorney. The County is concerned "regarding the way in which the City of Grand Junction is using the sewer permit to control land use in the unincorporated areas of the country". [County file "Sewer 1990-1994"]
- 07/18/94 City of Grand Junction Sewer Rules and Regulations, Section 4, System Expansion (only).
- 07/19/94 Memo from Mark Relph to Jim Shanks re waived County Development standards (i.e. subdivisions approved and allowed by the County where some type of County Development Requirement has been waived - some of which will cost the City substantial sums to repair). [Provided by Dan Wilson - TRIAL PREP DOCUMENT]
- 07/20/94 City of Grand Junction Sewer Rules and Regulations, Section 4, System Expansion (only).
- 07/20/94 City Resolution No. 62-64. A resolution amending Section 4, System Expansion, of the Sewer Rules and Regulations governing the management and operation of the Joint City/County Sewer System. [Documents by Category - Volume I]

- 07/20/94 City Council Meeting - Council Minutes - minutes re adoption of Resolution No. 62-94 amending the Sewer Rules and Regulations governing the management and operation of the joint City/County sewer system. The amended Rules and Regulations were adopted but only after the City has taken out proposed Rules 4.91 and 4.92 and removed all other references to the City development standards in areas that the City does not have land use jurisdiction under the annexation statutes. All references to infrastructure standards other than sewer infrastructure have been removed. This is in compliance with the County's July 6, 1994 objection. **[Achen's files as of 4/11/95] [Documents by Category - Volume V]**
- 07/22/94 Press Release - issued by the Commissioners, announcing the County's suit against the City concerning the City's adoption of Sewer Rules and Regulations (a draft copy). **[County file - Persigo - Stack 4]**
- 07/22/94 Press Release by Mesa County Board of Commissioners advising it filed suit against City concerning City's adoption of Sewer Rules and Regulations and explaining why; 7/22/94 Complaint for Injunctive Relief and Declaratory Judgment (no exhibits). **[046 - loose]**
- 07/22/94 E-Mail memo from Councilman Theobald to City Council re negotiations with Commissioner Crouch summarizing those meetings and negotiations concerning possible amendment to the 1980 Agreement including a chronology of events occurring between January 19, 1994 and May 26, 1994. Amendment suggestions included: a newly created sewer extension revolving fund which the County would control in full; County line item veto on major capital expenditures for the backbone system; a \$15,000.00 joint sewer funded quarter time engineer for the County; City gets to asks for POAs within the special districts (although already provided for in the 1980 Agreement); any amendments to the 201 service area must be joint and mutually agreed to; and once 75% of the 201 boundary is within the City limits the County will relinquish all interest in the Persigo Plant. The County had no response but only wanted to talk about a creation of a super utility authority which would take over control of the system. **[Achen's file as of 4/1/95]**
- 07/24/94 The Daily Sentinel article entitled "City's problems mount with waivers, annexation" which identifies two particular areas of concern (1) "development standards waived by Mesa County" (identifying twelve projects) and "problems inherited through annexation" (identifying eleven projects). *NOTE: See the Commissioner's handwritten notation in the margin.*
- 07/26/94 Memo from Kathleen Sellman, Development Manager, Mesa County Department of Public Works to Mike Casey, County Administrator re: "The Daily Sentinel - "City's problems mount with waivers, annexation . . .". This is the County's initial explanation concerning areas where "development standards [were] waived by Mesa County" and "problems [were] inherited through annexation" as asserted by the City in a Daily Sentinel article published 7/29/94. **[County file - Persigo - Stack 4]**
- 07/26/94 Computer printout memo from Jim Shanks to Greg T re Negotiations with Crouch, transmitting his memo to RT providing a synopsis of sewer talks with John Crouch. **[035 - loose In box]**
- 07/27/94 Letter from John Crouch to the following persons: Don Van Wormer, Hensdale County Government; Joe Crocker, Public Works Director; Lyle Dechant; Debra Davis and OMSD Staff; and Tim Sarmo, Regional Manager, Colorado State Department of Local Affairs --- a thank you letter re: Mr. Van Wormer's assistance in the Valley Vista sewer project. **[County file "Sewer 1990-1994"]**
- 07/27/94 Letter from Beckner to City Utilities Department re: assumption of billing by OMSD effective 1/1/95. (Sets forth Beckner's legal argument as to why OMSD should be allowed to do all of the billing under the City/OMSD Agreement).

07/28/94 Memorandum from Commissioners to Tim Ryan, Chief Building Official re: development process and building permit issuance. **[County file "Sewer 1990-1994"]**

07/28/94 Letter from Bob Faith to Commissioner Crouch complaining about the County's failure to negotiate a settlement in the dispute with the City concerning the sewer system and resulting decision to file a lawsuit which "will waste thousands of taxpayer dollars". **[County file "Sewer 1990-1994"]**

07/28/94 Memo from Board of County Commissioners to Tim Ryan, Chief Building Official, advising that sewer clearance from special sanitation district is sufficient to issue a building permit without further review. **[046 - loose]**

07/29/94 NPDES Permit No. CO-0040053, obsolete pages 1b and 1q. **[EPA Documents - Permit Section]**

07/29/94 Letter to Mark Achen from Robert Shukle, Chief Permits and Enforcement Section, Water Quality Control Division (dated 6/27/94) enclosing obsolete pages from the NPDES permit. **[EPA Files]**

07/29/94 Letter from John Crouch to Mayor R.T. Mantlo stating suit was filed to bring resolution to the debate more quickly and permanently and asserting that suit became necessary in light of Mantlo's letter "terminating negotiations on the 1980 sewer agreement and the Council's earlier action unilaterally establishing rules for managing the system which go beyond what we believe to be the City's authority".

07/29/94 Letter from John Crouch, Mesa County Commissioners, to R. T. Mantlo, Mayor, stating suit was filed to bring resolution to the debate more quickly and permanently. **[046 - loose]**

08/94 City of Grand Junction Newsletter - "Inside the City of Grand Junction". Articles include "County Commissioners Sue City" which gives a history of the sewer system, the dispute with the County and the present lawsuit.

08/02/94 Memorandum from Joe Crocker, Mesa County Department of Public Works to Commissioners re: Rosevale Improvement District Formation. The memorandum concludes that after investigating several different alternatives, the local improvement district alternative is the only viable solution for the Rosevale sewer problem. Requesting funding for a consultant to develop the preliminary design and documentation required for LID evaluation and approval because of the low to moderate income area involved, the local homeowners may not be able to fund this. He recommends "that we fund the consultant's fees with sewer funds and that the City be responsible for procuring the consultant's services and monitoring its progress and work product. Attached is draft letter to the City (subsequently signed as the 8/15/94 letter referred to above). **[County file "Sewer 1990-1994"]**

08/02/94 OMSD contracts with Slickline Inc. (x2)

08/02/94 Emergency Call-Out Agreement between OMSD and Slickline, Inc., a Colorado corporation. Slickline agrees to provide 24 hour emergency call-out services to the District for the year beginning 8/1/94 and to continue for one year terms thereafter until terminated by other party. **[Documents produced by OMSD - Exhibit 16]**

08/02/94 Slickline Agreement between OMSD and Slickline, Inc., a Colorado corporation. Slickline agrees to provide sewer line cleaning and video services for the years 1994-1998, inclusive. Slickline to clean and video approximately one-fourth of the District's lines in each of those four years with a maximum of 55,000 lineal feet per year and the work to be done between 6/15 and 9/30 of each year. **[Documents produced by OMSD - Exhibit 16]**

08/02/94 Emergency Call-Out Agreement between OMSD and Slickline, Inc. Provides the District with emergency call-out services for the 200,000 feet of sewer line presently owned and maintained by the District, including lines located within and outside the District boundaries.

08/02/94 Slickline Agreement between OMSD and Slickline, Inc. Provides the District with line cleaning services and videotape of the District's lines. (The District presently owns and maintains approximately 200,000 feet of sewer line).

08/03/94 Letter from Beckner to Shanks re: OMSD billing of customers. OMSD gave notice on 7/27/94 of its intent to take over billing (a letter to Shanks from Beckner). Beckner proposes that the issue will probably have to be resolved in a declaratory judgment action. He suggests, as an alternative, binding arbitration using Judge Ela. **[Achen's files]**

08/05/94 Letter from Ms. Tinsley EPA to Shanks re: review of final claim costs under the EPA Construction Grants and asserting possible \$667,000.00 error (against the City). **[Achen's files]**

08/08/94 E-Mail memorandum from Sandy Warner to Mark Achen summarizing information obtained regarding sewer facilities in Palisade, Clifton, Collbran, Fruita and Debeque (i.e. their dates of initial operation and their policy for providing sewer services outside of the town limits). **[Achen's files as of 4/1/95]**

08/08/94 E-Mail from Achen to the City Council re: an inquiry from Joe Crocker of Mesa County re: using joint sewer funds in two areas: (1) underwriting a portion of the cost of collection systems in urban density areas (Redlands and North) and (2) adding \$500,000.00 to the trunkline extension fund. **[Achen's files]**

08/10/94 Letter from City Manager Mark Achen to OMSD - demand letter that the district (misidentified as CGVSD) abide by the existing City laws, County laws and contract between the District and the City as well as the 1980 City/County Contract which the District is breaching by allowing connections to the sewer system without the express approval of the City.

08/10/94 Letter from Achen to OMSD notifying the district that it is breaching its Agreement with the City and causing the City damage by attempting to grant approval of connection of the City operated Persigo Sewer System without the express approval of the City. **[Achen's files]**

08/10/94 Letter from Achen to CGVSD notifying the district that it is breaching its Agreement with the City and causing the City damage by attempting to grant approval of connection of the City operated Persigo Sewer System without the express approval of the City. **[Achen's files]**

08/12/94 Letter from Beckner to Dechant re: the 8/10/94 letter from Achen to OMSD - the District's response: "the District will issue the sewer clearance for County building permits. The District views this as an attempt by the City to control County land use and development and the District does not wish to participate." Proposes the question of whether the County is willing to participate with the District in arbitrating all outstanding issues with the City. **[County file - Persigo - Stack 4]**

08/12/94 Fax transmission sheet from Larry Beckner to Lyle Dechant inquiring "what do you think?" and transmitting a letter to Mr. Dechant from Mr. Beckner dated 8/12/94 and Mr. Achen's 8/10/94 letter to OMSD. **[County file - Persigo - Stack 4]**

08/12/94 Letter to CGV from Jim Shanks, Public Works Director, Re: excess infiltration demand for remediation.

08/12/94 Letter to OMSD from Jim Shanks, Public Works Director, Re: excess infiltration demand for remediation.

- 08/15/94 Letter from John Crouch to Mark Achen re: Rosevale Area sewer problems, suggesting that a solution of the problems with the installation of the Rosevale sewer trunkline and construction of a collection system to allow the residents to be served by the Persigo Plant. Will require the formation of a local improvement district to fund the sewer line construction. The County is assisting towards that end. Request for money from the joint sewer fund to hire an engineering consultant to assist in the formation of the local improvement district and for the sewer system manager to administer the consultant contract. [County file "Sewer 1990-1994"]
- 08/16/94 Daily Sentinel Article "The City Halts Sewer Line Hookups - District must stop connecting to Persigo without City's OK." City began requiring POAs as part of the sewer clearance process - OMSD and CGVSD decide to grant clearances on their own without City involvement. [CDOH Documents]
- 08/16/94 Letter from Ms. Tinsley to Shanks extending the due date for information and documentation from the City in response to the 8/5/94 letter to 10/4/94.
- 08/17/94 Letter from Joe Crocker to Jim Shanks re: modification of the sewer system capital budget (changed the trunk sewer line extension fund and creation of a collection system extension fund). With attachments re: same. [County file "Sewer 1990-1994"]
- 08/17/94 Letter from Joe Crocker, Mesa County Director Land Use and Transportation Dept., to Jim Shanks, re modifications to Sewer System Capital Budget, enclosing worksheets re Trunk Sewer Line Extension Fund. [047]
- 08/18/94 Letter from Mesa County Health Department to Steve McCallum re septic tank - 379 South Camp Road.
- 08/22/94 Letter from Commissioner Crouch to Bob Faith in response to the 7/28/94 letter. [County file "Sewer 1990-1994"]
- 08/26/94 Letter from Beckner to Mayor Mantlo re: Special Districts proposing meetings between the City Council and the OMSD and CGVSD boards to establish sewer policy. Asserting that meetings between the staff are ineffective because policy has to be established by the boards. Request separate meetings for OMSD and CGVSD. [Achen's files]
- 08/30/94 Letter to John Crouch, Chairman, Mesa County Commissioners, from Greg Trainor, Utility Manager, re Rosevale Sewer.
- 08/30/94 Memo from Jody Kliska to Mark Ralph, Don Newton, Larry Timm, and Dan Wilson re: costs to upgrade County subdivisions: Valley Meadows, Moonridge Falls, and KAY subdivisions. Comparison between costs to bring to County standards vs. City standards. [Dan Wilson]
- 08/31/94 Notes on action by Commissioners on Agenda item re: "What if we win?" - brainstorm session concerning the County's suit against the City directing the preparation of a "White Paper" by Mike Casey and Lyle Dechant to be prepared for discussion during 9/12 or 9/26/94. [County file "Sewer 1990-1994"]
- 08/31/94 Notes of action by Commissioners on Agenda item re: annexation/legal(/). [County file "Sewer 1990-1994"]
- 09/07/94 Answer and Counterclaims filed by City of Grand Junction in Mesa County Commissioners v. City of Grand Junction.
- 09/12/94 Letter from Stephanie Nye, City Clerk to County Commissioners notifying the County of the City's annexation of the Darla Jean Annexation #1 and #2. Attaching a copy of City Resolution 77-94, adopted 9/7/94. [County file "Sewer 1990-1994"]

- 09/20/94 OMSD Board Meeting Minutes. A discussion of possible settlement between OMSD and the City regarding billing, joint funds for capital construction, POAs for annexation, de-annexation of property from the district by the City and dissolution of the district by the City. Valle Vista projects status also discussed.
- 09/30/94 Letter from Greg Trainor to Commissioners re: City/County sewer system 1994 and 1995 revised budgets attaching revisions and acknowledging receipt from the County of "capital requests for sewer". [County file "Sewer 1990-1994"]
- 09/30/94 Letter from Greg Trainor to County Commissioners re: 1994 and 1995 sewer budget. [Achen's files]
- 10/01/94 Letter from James Shanks to EPA, responding to 8/5/94 letter, explaining use of grant funds; 8/5/94 letter from Nikkie Tinsley, EPA Divisional Inspector General for Audit, to James Shanks, conducting review of final claimed costs under EPA grant CO80337-26; 8/16/94 letter from Nikkie L. Tinsley to James Shanks, extending due date for requested information to 10/4/94. [047]
- 10/01/94 Letter from Shanks to Ms. Tinsley at the EPA disputing the \$667,000.00 alleged error and setting forth information relating to the 1989 audit and approval of the grant process. [Achen's files]
- 10/10/94 Letter from Steve Defeyter, Director of Environmental Health, Mesa County Health Department to Brent Gale Goodwin Septic Service, Inc., "Notice of Proposed License Revocation, Notice of Hearing 10/27/94." (Constructing septic systems without permits and not within compliance of design specifications). [County file "Sewer 1990-1994"]
- 10/17/94 Notes of Commissioners actions on Agenda item re: activity by the City, the County and the State regarding a proposed policy to assist in financing connections to sewer systems on the occurrence of a failure of a septic system. [County file "Sewer 1990-1994"]
- 10/17/94 Letter from Gregory Trainor to Board of County Commissioners re 1994 Revised and 1995 Budget - Joint Sewer System Funds, advising 4.5% rate increase becomes effective 1/1/95. [047]
- 10/18/94 Letter from Bill Cheney to Steven DeFeyter, Mesa County Director of Environmental Health, re revision of Mesa County Individual Sewage Disposal Systems Regulations, requesting clarification on certain paragraphs. [047]
- 10/18/94 E Mail Memo from Greg Trainor, Utility Manager to Jim Shanks, Public Works Director, Re: Budget/Management issues Persigo System (evidence of lack of county role).
- 10/24/94 Summary of sewer rates 1990-1995 (proposed) worksheet and matrix prepared by Greg Trainor.
- 10/25/94 Letter from Mayor Mantlo to William Yellowtale Region VIII Administrator EPA re: Persigo Wastewater Treatment Plant - City's response to recent correspondence from the EPA asserting \$667,000.00 error in use of EPA grants. Attached to the letter are copies of the following: 8/5/94 letter from Ms. Tinsley at the EPA to the City, 8/16/94 letter from Ms. Tinsley to the City and 10/1/94 letter from Shanks to Ms. Tinsley. [Achen's files]
- 11/01/94 Memorandum from Mike Casey, County Administrator to Joe Crocker, Land Use and Transportation Director re: "sewer lawsuit/what if?". Commissioners request a "White Paper" from staff regarding the options available to the County "when the Court makes a decision regarding our lawsuit with the City on the sewer issue". Task assigned by Casey to Crocker. [County file "Sewer 1990-1994"]

11/01/94 OMSD Board Meeting. 201/Billing Issues and Valle Vista project discussed.

11/02/94 E Mail Memo from Kristen Dillon, Utility Department to Dan Wilson and Greg Trainor Re: OMSD 4/1/80 Resolution-attachment (OMSD's copy of the Resolution does not have attachments).

11/02/94 Public Works staff recommendation to City Council by Greg Trainor recommending adoption of a resolution increasing the sewer rates to \$11.42 per EQU with attached matrix.

11/07/94 Memo from Kristen Dillon to Dan Wilson Re: Recent County Commissioner's Minutes

11/09/94 Letter to City Utilities Department from Debra Davis, Manager OMSD repayment of PIF and issuance of sewer tap for Chipeta Golf Course with attached copy of PIF check payable to the City by Chipeta Golf Course, Inc.

11/15/94 County Resolution MCM 94-196, a resolution approving the 1995 budget for the joint sewerage system, including charges and fees (includes gratuitous language which appears to be litigation posturing).

11/15/94 OMSD Board Meeting. 201/Billing issues and annexation matters discussed.

11/16/94 City Resolution 107-94. A resolution raising sewer rates. EQU raised to \$11.42 beginning 1/1/95. (volume v: documents by category)

11/20/94 Letter from Tom Rooklidge (resident) 317 Country Club Park to Mayor Mantlo and Commissioner Crouch re: the City and County participation in costs associated with the installation of sewers in Country Club Park West and exemption from City weed ordinance. **[County file "Sewer 1990-1994"]**

12/94 City of Grand Junction Newsletter - "Inside the City of Grand Junction". Articles include: "Why Does The City Annex?"; "Citizens Plan For The Future"; "and "Utility Rate Increases Lower Than Anticipated".

12/05/94 Letter to Timothy G. Sarmo, Colorado Department of Local Affairs from East Valley Citizens Association RE: Valle Vista sewer interceptor project. Inquiry by Citizen's Association into the state's funding of the Valle Vista extension of the OMSD system; looking for answers and possible improprieties.

12/05/94 Letter to Richard R. Long EPA from East Valley Citizens Association RE: Valle Vista sewer interceptor line. Inquiry RE: possible improprieties in the involvement or lack of involvement of the EPA and compliance or noncompliance with EPA regulations.

12/05/94 Letter to Daniel L. Law, Colorado Water Resources and Development Authority from East Valley Citizens Association RE: Valle Vista sewer interceptor project. Inquiry RE: seeking information and documentation concerning the extension of the OMSD system and suggesting possible noncompliance with federal regulations.

12/07/94 Letter from Commissioner Crouch to Greg Trainor, City Utility Manager, re: Monument Valley Filing #4 sewer connections requesting that the City is manager of the Persigo Sewer District proceed on its offer to notify the five lot owners of the availability of sewer service and remind the lot owners that they are required to connect to the system. Attachments: MCM92-62 and Monument Valley Filing #4 Protective Covenants. **[County file "Sewer 1990-1994"]**

- 12/08/94 Letter from Commissioner Crouch to Tom Rooklidge, President 317 Country Club Park, re: apparent response to Mr. Rooklidge's request for funds to assist him in a mandated connection to the system. Crouch recommends the possibility of a formation of an improvement district or contacting the Colorado Department of Local Affairs concerning grants. [County file "Sewer 1990-1994"]
- 12/12/94 Memo from Sandi Glaze to Mark Achen et al. re "Recap of review within CGVSD and OMSD regarding number of lots available for service, number of taps sold, and number of POAs the City holds within each subdivision.
- 12/16/94 E-Mail from Jim Shanks to Achen re: inflow/infiltration: summarizing the inflow/infiltration problems in OMSD and CGV and defining "inflow" and "infiltration" (the numbers are the same measurements reflected in the August 12, 1994 letters to the special districts demanding correction of the problems).
- 12/16/94 Letter from Shanks to Joe Crocker, County Director of Public Works re: proposal for using joint sewer system funds to pay for a portion of the cost of sewer collection system improvements in areas currently being served by septic systems (this proposal follows the County's rejection of the City's proposal that the City and County provide general fund monies to help finance sewer improvement districts in urban areas being served by septic systems.
- 12/20/94 Letter from Greg Trainor to Commissioner Crouch re: Monument Valley filing #4 sewer connections offering to notify five Monument Valley lot owners of the availability of sewer service to remind them of the requirement to connect but stating that the City is unable to conduct subsequent enforcement actions as to requirements placed on the developer by the County. Enclosed with the letter is a copy of one of the 12/20/94 letters to one of the lot owners. Enclosures: 12/20/94 letter to lot owners together with copies of 5/5/92 Resolution MCM92-62 approving the revised official development plan for Monument Valley filing #4 together with Monument Valley filing #4 protective covenants. [County file "Sewer 1990-1994"]
- 12/20/94 Letter from Bill Cheney, City of Grand Junction, to Mr. and Mrs. Crecelius (Monument Valley lot owners) re: mandatory connection to sanitary sewer based upon County ordinance, and the Monument Valley Protective Covenants. Demanding connection to the sewer by March 1, 1995. [County file "Sewer 1990-1994"]
- 12/20/94 Letter to County Commissioners from Mayor R.T. Mantlo RE: City's rejection of the County's "conditional" approval of the joint sewer system budget for 1995 and noting the apparent litigation posturing contained in those conditions (see County Resolution MCM 94-196, 11/15/94).
- 12/29/94 Request to be on the Commissioners Agenda by Joe Crocker re: Monument Valley and grease traps. [County file "Sewer 1990-1994"]