

DOCUMENTS INDEX - 1995:

Rev. 5/97

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- 1995 Attorney/Client Privilege: Letter from Wayne Schroeder to Dan Wilson re: Bennett Bear Creek Farm Water & Sanitation District vs. City and County of Denver, Colorado Court of Appeals - enclosing a copy of the opinion from the Court which reaffirmed the proposition that "when a municipality sets rates for application within its territorial jurisdiction, it performs a governmental function to review under the rational relation test. But when it serves customers outside its jurisdiction, it engages in a proprietary function, and is governed largely by the same rules that apply to private corporations". Possible relevance to the sewer rates issue. **[Dan Wilson]**
- 01/95 City newsletter re: Pamona Park annexation: "addressing your questions about annexation". **[Dan Wilson]**
- 01/10/95 Letter to Mayor R.T. Mantlo from the County Commissioners in response to the 12/20/94 letter, objecting thereto, and asserting the County's objective and goal to be ownership and management of the joint sewer system in accordance with the 1980 Agreement and 1992 Bond Issue.
- 01/23/95 Letter from East Valley Citizens (Charlotte B. Campbell) to Commissioners requesting copies of "actions filed by the County against the City" (94 CV 233). Initial request was two weeks earlier and no responses have been received - Colorado Sunshine Law request made written response demanded. **[County file "Sewer 1990-1994"]**
- 01/23/95 Letter from the East Valley Citizens to the County Commissioners requesting documents from the lawsuit. **[County file - Joint Sewer Agreement-Persigo - Stack 3]**
- 02/95 Mesa County-wide Land Use Plan - "from issues to action - flyer distributed by Mesa County announcing a series of public workshops throughout Mesa County for the Mesa County-wide Land Use Plan". References in the document include references to the following issues: land use control, annexation, regional welfare, etc.
- 02/02/95 Letter from Attorney Joe Coleman to Commissioners re: joint County and City sewer system on behalf of Fountainhead Development Corporation enclosing a proposed agreement between Fountainhead, the City and County - Fountainhead trunkline issues. **[County file "Sewer 1990-1994"]**
- 02/07/95 Letter to East Valley Citizens from Lyle Dechant, Mesa County Attorney re: "documents in civil action no. 94 CV 233 [this lawsuit] with attached copy of a letter dated 1/23/95 from the East Valley Citizens to the County Commissioners requesting documents from the lawsuit. **[County file - Joint Sewer Agreement-Persigo - Stack 3]**
- 02/07/95 Memo from Greg Trainor to Dan Wilson re Persigo as an "Interim Plant". The flow equalization basins at Persigo were initially used as an interim plant during construction and up until the main Persigo Plant was activated in mid January, 1984.
- 02/07/95 "Payment authorization, City of Grand Junction to CGVSD - January, 1995 sewer payoffs and five taps at \$1,350.00 and one tap at \$594.00 totaling \$33,277.45.
- 02/07/95 "Payment authorization, City of Grand Junction to OMSD - January, 1995 sewer payoffs includes \$550.00 Valle Vista totaling \$10,351.19.

- 02/08/95 Letter from Mayor R.T. Mantlo to Brad Ferguson, President of Mesa County Board of Health re: individual sewage disposal system regulations effective 1/15/95 (septic systems). [County file "Sewer 1990-1994"]
- 02/08/95 Letter from Mayor Mantlo to Brad Ferguson, President of Mesa County Board of Health re: ISDS (septic systems) regulations effective 1/15/95. City is pointing out that the new Health Department regulations no longer require the enforcement of the 400 Foot Rule outside of municipalities or Title 32 Special Sanitation Districts and therefore allow failed septic systems to be repaired or new septic systems to be installed regardless of the presence of adequate sewer collection systems within 400 feet. The City requests that in light of the Board's stated policy, Health Department Board and staff deny permits to construct, extend or replace septic systems which exists within 400 feet of a sewer, both inside and outside of municipalities and special districts. [Achen's files]
- 02/22/95 Letter from Rick Clagget, Chief Watershed Section Water Quality branch of the EPA to Doris Butler of East Valley Citizens Group confirming that sewer service area boundary changes we EPA approval after CDOH request for formal EPA approval and confirming that the EPA has not received a letter from CDOH requesting approval for any changes of the 201 Boundary within Mesa County (this deals with the Valle Vista expansion and the expansion of the 201 Boundary). [Dan Wilson]
- 02/24/95 Letter from Doris Butler to Brian Friel, EPA re: 201 Sewer Service extension to Valley Vista subdivision requesting information, in particular regarding a "regulation that states that Colorado Department of Health can approve a 201 sewer service boundary extension without EPA approval" which is contrary to what she was told by Mr. Clagget. [Dan Wilson]
- 02/24/95 E-Mail memo from Greg Trainor to Jim Shanks re Mesa County Board of Health meeting concerning provisions of the ISDS Regulations concerning enforcement of the 400 Foot Rule in areas outside of municipalities and Title 32 Special Districts.
- 02/24/95 Letter from Robert H. Freilich, Freilich, Leitner & Carlisle to Dan Wilson re potential areas for exploration for additional affirmative defenses/counterclaims, in particular the "regional general welfare" argument.
- 02/28/95 Letter from Doris Butler, East Valley Citizens, to Debbie English, Water Quality Control Division, Colorado Department of Health re: Valle Vista sewer service boundary expansion - objecting to the lack of EPA approval and objecting to the expansion of the 201 service boundary to include Valle Vista and the resulting impact on the surrounding farm land (i.e. the removal of the farm land from protection under the Farm Land Protection Policy Act). [Dan Wilson]
- 02/28/95 E-Mail memo from Sandi Glaze to Dan Wilson re: phone call from Debbie Davis, OMSD Manager requesting information as to "City charges placed on the OMSD customer bills since 1975 to 1995". [Dan Wilson]
- 03/01/95 Memo from Sandi Glaze to Libby's Department Collection Supervisor to Ron Lappi, Administrative Service Director re: OMSD billing - if the District is allowed to take over billing, the following policies and procedures or checks and balances should be instituted to make sure that the City can keep track of the billing process, appropriate development approval and payment of PIF and related fees. [Dan Wilson]

- 03/01/95 Memo from Doris Butler, Palisade, Colorado to Keith Fife long-range Planning Director for Mesa County and Larry Timm, Planning Director for City of Grand Junction re: Orchard Mesa Plan enclosing a copy of a letter from Rick Clagget, Chief, Watershed Section, Water Quality Branch of the EPA stating that the EPA has not approved any 201 sewer service boundary changes (re Valle Vista). **[Achen's files]**
- 03/15/95 City of Grand Junction 1995 Municipal Annexation Plan (See accompanying municipal annexation map)
- 03/27/95 Request for placement on Commissioners Agenda and notes of hearing sewer issues - sewer improvement districts - special districts. **[County file "Sewer 1990-1994"]**
- 05/26/95 Letter from Donna Ross, paralegal, Mesa County Attorney's Office to Dan Wilson, transmitting 5/81 Goals, Objectives and Policies of the Comprehensive Planning Process.
- 05/31/95 Letter from John C. Jones, Assistant Inspector General, EPA to Anne Landman, East Valley Citizens re: expansion of the 201 boundary and the Valle Vista sewer interceptor. Referral to the State of Colorado asserting that the "project was funded entirely by the State of Colorado; therefore, we have no records responsive to this item of your request". **[Dan Wilson]**
- 06/14/95 Letter to City Manager Mark Achen from Robert Shukle, Chief Permits and Enforcement Section WQCD/CDOH re: amended NPDES Permit No. CO-0040053 with attached obsolete page 1o (obsolete as of 6/28/95). **[EPA Documents - Permit Section]**
- 06/20/95 E-Mail from Jim Shanks to Mark Achen and Dan Wilson re: use of joint sewer funds to finance a portion of local sewer improvement districts to eliminate septic tanks. As a result of pressure from OMSD and CGVSD, County indicating a desire to use general funds so that sewer funds (at the request of the district) might be available for improvements within the districts and elimination of infiltration problems.
- 06/26/95 Letter from East Valley Citizens (Anne Landman) to John C. Jones, Assistant Inspector General, Freedom Of Information Office EPA in response to the 5/31/95 letter from EPA. (Further specifically inquiring as to why federal government, which funded portions of Valle Vista expansion has no records and maintains that it put no money into the project). **[Dan Wilson]**
- 06/30/95 Deadline for comments to "Orchard Mesa open space development and overlay zone to be submitted to the Mesa County long-range planning division with attached document re: "land use/zoning action plan" - OM neighborhood plan. **[Dan Wilson]**
- 07/95 City of Grand Junction Newsletter, Article - "Persigo Plant to Receive U.S. EPA Award" - CDOH handwritten notes "self-nominated . . . the award is for the plant not the collection system." **[CDOH Documents]**
- 07/07/95 Letter from Doris Butler (East Valley Citizens) to Governor Romer re: 201 Sewer Service boundary expansion, Mesa County (Valle Vista expansion). Complains that County governments are not accountable to County residents and alleges improprieties in the County's expansion of the 201 sewer service boundary to include the Valle Vista subdivision [attachments to the letter are: 2/22/95 letter from EPA to Ms. Butler, 5/31/95 letter from EPA to Ms. Landman, and 6/26/95 letter from East Valley Citizens to EPA, Freedom Of Information Office]. **[Dan Wilson]**

- 07/14/95 E-Mail memo from Mike Pelletier to Dan Wilson re: E-Mail from Jodi Kay to Mr. Pelletier concerning County developments and necessity of City reconstruction of infrastructure. NOTE: reference to photographs. Find these photographs and see if they are helpful and if they may be appropriate as Exhibits. **[Dan Wilson]**
- 07/26/95 Memo from Jim Shanks to Dan Wilson re: excess infiltration standard. The 200 gallons per inch diameter per day per mile of line. **[Dan Wilson/Jim Shanks]**
- 09/12/95 Letter from Commissioner Genova to Greg Trainor re: sewer collection improvement policy. The County's position is that the draft resolution submitted on 5/2/95 is premature. The County believes designating \$1,000,000 of the sewer operation and maintenance reserve fund solely for extension of sewer lines to areas with failing septic systems.
- 09/20/95 City Resolution 80-95 amending previously adopted provisions of the City Sewer Rules and Regulations and adopting Section 6 "Collection System Operations and Treatment Service Provisions" of the Sewer Rules and Regulations governing the management and operation of the 201 Sewer System **[Documents by Category - Volume I]**
- 10/17/95 Amendment to City/OMSD Agreement (negotiated by D. Wilson, PRB and Larry Beckner). This amendment was used to settle the OMSD v. City case, 94 CV 364).
- 11/95 Power of Attorney form (for use within the boundaries of OMSD). This form was developed as part of the settlement of the OMSD v. City case, 94 CV 364). **[Dan Wilson]**
- 11/21/95 Agreement between City of Grand Junction and Mesa County re: Chaparral West Subdivision and the Persigo 201 area including the entire development area. **[Dan Wilson]**
- 11/21/95 Agreement between the City and the County to allow "Country Meadows Subdivision" to receive service from the Persigo Sewer System even though the subdivision lies in part, outside the Persigo 201 Service Area and to, when appropriate, amend the 201 to include the area. **[Dan Wilson Files]**