To access the Agenda and Backup Materials electronically, go to the City of Grand Junction Website. To participate or watch the meeting virtually register for the GoToWebinar.

AGENDA
PERSIGO BOARD MEETING
CITY OF GRAND JUNCTION, CITY COUNCIL
MESA COUNTY, BOARD OF COUNTY COMMISSIONERS
CITY HALL AUDITORIUM
250 NORTH 5TH STREET
GRAND JUNCTION, COLORADO
THURSDAY, APRIL 3, 2025
3:30 PM

1. **Call to Order**

2. **Approval of the Minutes**

   a. Minutes of the September 23, 2024, Meeting

3. **Discussion Topics**

   a. Public Hearing to Consider a Request from Centro De La Familia De Utah to Exclude the 5.3-Acre Property at 3099 Patterson Road from the Persigo 201 Sewer Service Area

   b. Policy and Regulations Encouraging Connection of all Properties within the 201 to the Sewer System

4. **Next Meeting Topics**

5. **Other Business**

GRAND JUNCTION CITY COUNCIL
&
MESA COUNTY BOARD OF COUNTY COMMISSIONERS
JOINT PERSIGO MEETING MINUTES

September 23, 2024
Video is available at www.gjcity.org

CALL TO ORDER – PLEDGE OF ALLEGIANCE

County Commissioner Bobbi Daniel called to order at 8:12 a.m. the meeting of the Joint Persigo Board conducted with the Grand Junction City Council and the Mesa County Board of County Commissioners at the Grand Junction City Hall Auditorium, 250 North 5th Street, Grand Junction, Colorado.

County Commissioner Bobbi Daniel led the Pledge of Allegiance, followed by a moment of silence.

Those in attendance included:

Grand Junction
Councilmembers Scott Beilfuss, Jason Nguyen, Anna Stout, Council President Pro Tem Randall Reitz and Council President Abram Herman. Councilmember Cody Kennedy arrived at 8:43 a.m. Councilmember Dennis Simson was absent. Staff members: Interim City Manager Andrea Phillips, City Attorney John Shaver, Utilities Director Randi Kim, and Deputy City Clerks Krystle Koehler and Misty Williams.

Mesa County
Commissioners Cody Davis, Janet Rowland and Chair Bobbi Daniel.

DISCUSSION TOPICS

Septic System Elimination Program Update

Utilities Director Randi Kim presented the Joint Persigo Board with an update on the Septic System Elimination Program (SSEP), as well as several options to initiate the septic system elimination program. Based on the analysis presented to the Board, the options are as follows:

Option 1 – Focus SSEP on Septic Systems in Unsuitable Areas
Mesa County permits on-site wastewater treatment systems on properties that are more than 0.5 acres provided they meet the minimum design standards and setback requirements.
Mesa County's On-Site Wastewater Treatment System Regulations prohibit septic systems in unsuitable areas, which include:

- land use density of two dwelling units per acre
- properties within the 100-year floodplain

Within the Persigo 201 boundary, there are a total of approximately 176 septic systems that are located in unsuitable areas as defined by current Mesa County regulations:

- 142 septic systems on properties of 0.5 acres or less,
- 34 septic systems on properties within the 100-year floodplain,

Staff recommend prioritizing the septic elimination program on properties that have septic systems within these unsuitable areas.

Option 2 – Increase annual Funding for Septic Elimination Program
The 2024 Adopted Budget includes $800,000 for 2024 and $1,000,000 per year in subsequent years in the 10-year capital plan. Staff recommend increasing funding levels in the 2025 budget to $2 million annually, adjusted annually for inflation. At this funding level, staff estimate that approximately 60 septic systems can be eliminated annually, assuming an average cost of $33,000 per lot for lots one acre or less. This would eliminate all septic systems on lots less than one acre within seven years.

Option 3 – Fund Sewer Extensions with Plant Investment Fee
Currently sewer extensions to areas with septic systems are funded through formation of sewer improvement district and assessment of 70 percent of the inflated estimated construction cost per lot for these improvements to the property owner and funding the remaining 30 percent by the Sewer Fund. Rather than forming sewer improvement districts, this option would fund the cost of sewer extensions to areas with septic systems with the plant investment fee (PIF).

Currently, the PIF is being held at the 2022 rate of $5,544 per equivalent unit (EQU) because the Phase 1 expansion of the wastewater treatment plant to 15.0 million gallons per day expanded the EQU basis, reducing the PIF cost per EQU. By including the $2 million annual capital expense associated with the septic system elimination program in the PIF-eligible expenses, the PIF cost would increase by $211 from $5,121 to $5,387. This is still below the $5,544 rate that is currently being assessed. Therefore, the Sewer Fund could fund the septic system elimination program with the PIF without increasing the PIF in 2025.

Staff recommend that sewer extensions to areas with septic systems be considered, as this would eliminate the administrative time and cost associated with forming sewer improvement districts.

Option 4 – Expand special improvement district (SID) Assessment to Include Plant Investment Fee
The Board should consider this option if Option 3 is not selected. The total cost of eliminating septic systems and connecting to sewer includes the SID assessment, the cost of the private sewer lateral to connect the

house to the main sewer line, the plant investment fee, and abandoning the septic system. This option would include the plant investment fee cost in the SID assessment so that it could be financed over the amortization period. Staff recommend including the plant investment fee in the SID assessment if Option 3 is not adopted.

Option 5 – Increase Sewer Fund Cost Share
The Board should consider this option if Option 3 is not selected. Under the current program, the Sewer Fund contributes 30 percent of the cost of sewer extensions to SIDs. Staff recommend increasing the Sewer Fund cost share to:

Options 5a: 30 percent or the remainder of the cost after the property owner pays an assessment of $28,000.

Option 5b: 50 percent.

Option 6 – Financing Amortization Period and Rate
If Option 3 is not selected, the board should consider this option. The current program allows property owners within an SID to finance the SID assessment over a 10-year amortization period at a rate of 8 percent. To incentivize property owners to connect to sewer, Staff recommends increasing the amortization period to 15 years and using an interest rate equivalent to the prime loan rate for a 15-year fixed mortgage rate.

Options 7 – Financing Plant Investment Fee within Completed SIDs
There are 218 properties that are within SIDs that were completed between 2000 and 2014. One of the barriers to connection is the cost of plant investment fees. With new construction, builders pay the plant investment fees, and the cost is passed on to the property owner in the cost of the house, which then can be mortgaged. Conversely, property owners within SIDs must pay the plant investment fee ($5,544 in 2024) upon connection. Staff recommend offering a financing plan for property owners within completed SIDs with an amortization period of five years and an interest rate equivalent to the prime loan rate for a five-year fixed mortgage rate. This option would be offered for up to two years after the effective date of the new program.

Questions and comments were heard from Councilmembers Nguyen, Stout, and Beilfuss, as well as Council President Herman, and Mesa County Commissioners Davis and Rowland. Utilities Director Randi Kim was available to answer those questions.

Discussion was held between the Board members regarding the options presented, resulting in a consensus that the Board would like staff to gather more information for all properties under 1 acre and located within the 100 year floodplain in preparation to eliminate septic systems in the area within 7 years, as well as options for the cost that will be passed along to the property owner. Board members agreed upon evaluating funding options as part of the rates study that will be conducted by an independent financial consultant in 2025.

Next Meeting Topics
Topics for the upcoming meeting will be discussion on the information requested at this meeting.

Other Business
There was none.

Adjournment
Commissioner Chair Rowland adjourned the meeting at 9:27 a.m.

____
Bobbi Gross
Mesa County Clerk and Recorder

____
Selestina Sandoval, CMC
City Clerk

JOINT PERSIGO MEETING
CITY OF GRAND JUNCTION, CITY COUNCIL
MESA COUNTY, BOARD OF COUNTY COMMISSIONERS

Item #3.a.

Meeting Date: April 3, 2025

Presented By: Randi Kim, Utilities Director

Department: Utilities

Submitted By: Randi Kim

Information

SUBJECT:

Public Hearing to Consider a Request from Centro De La Familia De Utah to Exclude the 5.3-Acre Property at 3099 Patterson Road from the Persigo 201 Sewer Service Area

RECOMMENDATION:

Staff recommends adjusting the Persigo 201 Sewer Service Boundary to exclude the 5.3-acre property at 3099 Patterson Road.

EXECUTIVE SUMMARY:

This is a Public Hearing to consider a request to exclude the 5.3-acre property at 3099 Patterson Road from the 201 Sewer Service Area Boundary. Staff recommends approving the request by the property owner to exclude the property from the 201 Sewer Service Area Boundary since the property is already served by Clifton Sanitation District and the District has the capacity to serve the expansion project.

BACKGROUND OR DETAILED INFORMATION:

This is a Public Hearing to consider a request to exclude the 5.3-acre property at 3099 Patterson Road from the 201 Sewer Service Area Boundary. Staff recommends approving the request by the property owner to exclude the property from the 201 Sewer Service Area Boundary since the property is already served by Clifton Sanitation District and Clifton Sanitation District has the capacity to serve the expansion project.

The 5.3-acre property at 3099 Patterson is outside City limits. The property is currently zoned RSF-4. The northern portion of the property (1.6 acres) is outside the Persigo 201 Sewer Service Area Boundary, while the southern portion (3.7 acres) is within the Persigo 201 Sewer Service Area Boundary, as shown in Exhibit 1. The entire property is located within the Urban Development Boundary – one of the limited exceptions to the alignment of these boundaries achieved in 2024 – as shown in Exhibit 2. The 2020

Comprehensive Plan designated the property as Residential Median (5.5 - 12 Dwelling Units per Acre), allowing a total of 29 to 63 dwelling units.

The property is owned by Centro De La Familia De Utah (Centro) and currently serves as a preschool and daycare center. Centro is planning improvements to the existing facility to allow consolidation of their pre-school operations in the Grand Junction area to the 3099 Patterson Road location. Centro is requesting that its property be excluded from the 201 Sewer Service Area Boundary and, therefore, from the requirement that the property be annexed by the City of Grand Junction and that it connect to the Persigo Sewer System upon development of the property.

The property is currently served by Clifton Sanitation District, as shown by the orange lines extending to the property from Patterson Road in Exhibit 3. Staff confirmed with the Clifton Sanitation District that it has the capacity to serve the expanded facility. Connection to the Persigo sewer line in 31 Road is not practical because it would require extending sewer across Lewis Wash (shown in Exhibit 3 as the green line on the west side of the property). Connection to the Persigo sewer line to the south in E ½ Road is not practical because it would require a more than 1,750-foot extension of sewer crossing private property (shown in Exhibit 3 as the green line on the south side of the property).

Procedure for Boundary Modification

In accordance with the Persigo Sewer System Intergovernmental Agreement (IGA) Section 45.080.010, The Master Plan (also known as the Comprehensive Plan) is the community's best effort to identify those areas of the Central Grand Valley that should be urbanized, and those that should not. "Urban or Urbanizing" is defined as "Within the Joint Urban Area Plan (JUP), any development or use other than residential single-family dwelling(s) on lots, parcels or tracts which are smaller than two acres in size, net."

In accordance with Section 45.08.080, the City and the County agree to amend the urban growth boundary, or the 201, or both, so that such boundaries and areas are identical.

Section 4.11 of the Sewer Rules and Regulations Governing the Management and Operation of the Joint City-County Sewer System (adopted June 1, 1994) specifies that "the decision on the question of modification shall be made by the City Council, and if required by applicable law, shall be forwarded to other agencies whose decision is required. Further, G.38 of the Persigo Intergovernmental Agreement includes a provision for policy decisions (including changes to the boundaries of the 201) to be made at joint Persigo Board meetings.

In accordance with Rule 4.11, a public hearing shall be scheduled with prior notice of such hearing to be published at least twice, 10 days prior to such hearing. The decision on the question of modification shall be made by the City Council and, if required by applicable law, shall be forwarded to other agencies [Persigo Board] whose decision is required.

FISCAL IMPACT:

Adjusting the Persigo 201 Sewer Service Boundary to exclude this property would reduce demand on the Persigo wastewater treatment plant by 29 to 63 equivalent units (EQUs) based on future land use densities included in the 2020 Comprehensive Plan, and the corresponding Plant Investment Fee of $160,776 to $349,272 (2025 fee schedule) would not be collected.

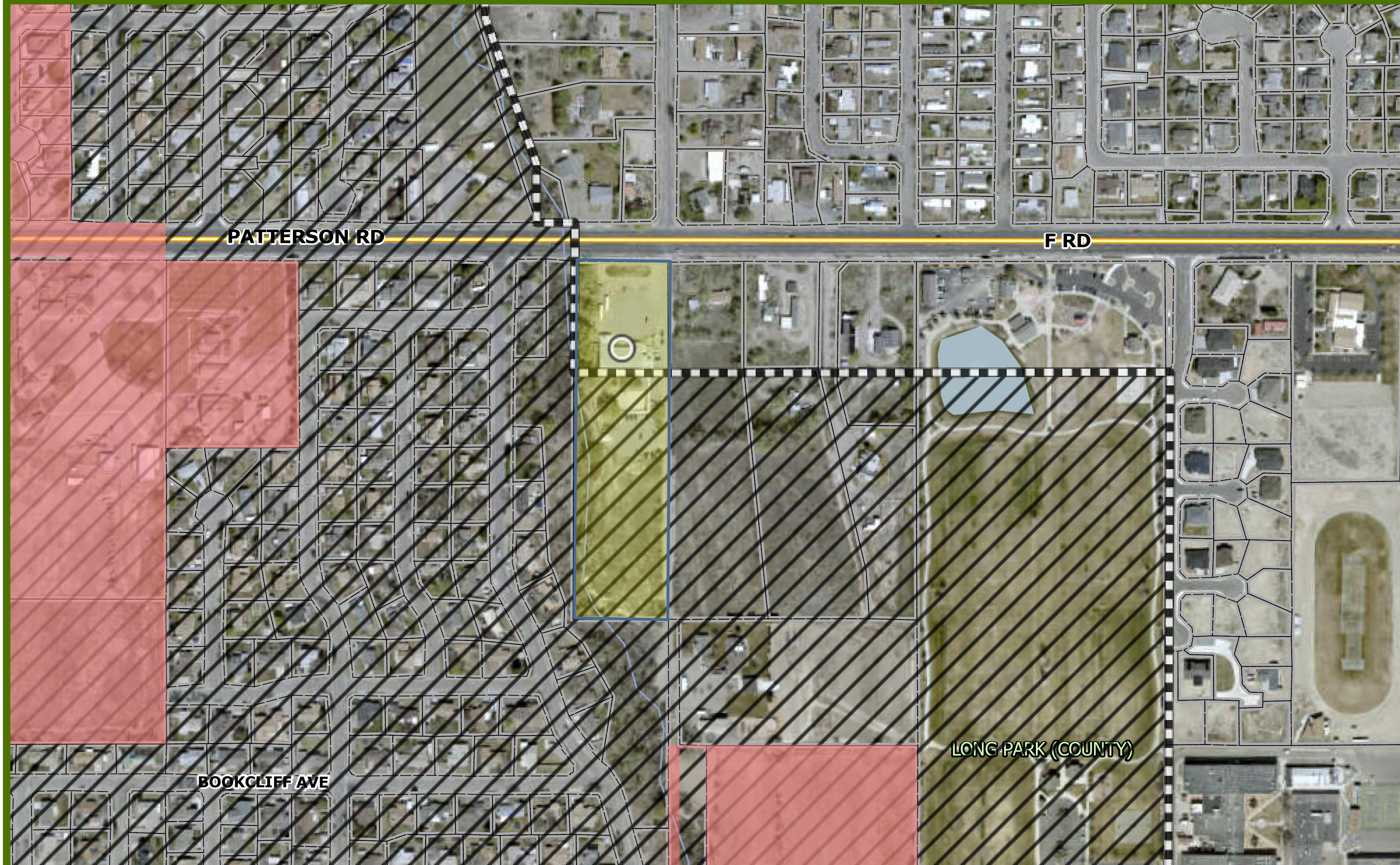
SUGGESTED MOTION:

I move to (approve/deny) adjusting the Persigo 201 Sewer Service Boundary to exclude the 5.3-acre property at 3099 Patterson Road.

Attachments

1. Exhibit 1 - 3099 Patterson Road
2. Exhibit 2 - 3099 Patterson Road
3. Exhibit 3 - 3099 Patterson Road
4. 3099 Patterson Road Letter from Centro
5. 3099 Patterson Road Letter Requesting Removal From 201 2025-03-11

Exhibit 1 - 3099 Patterson Road



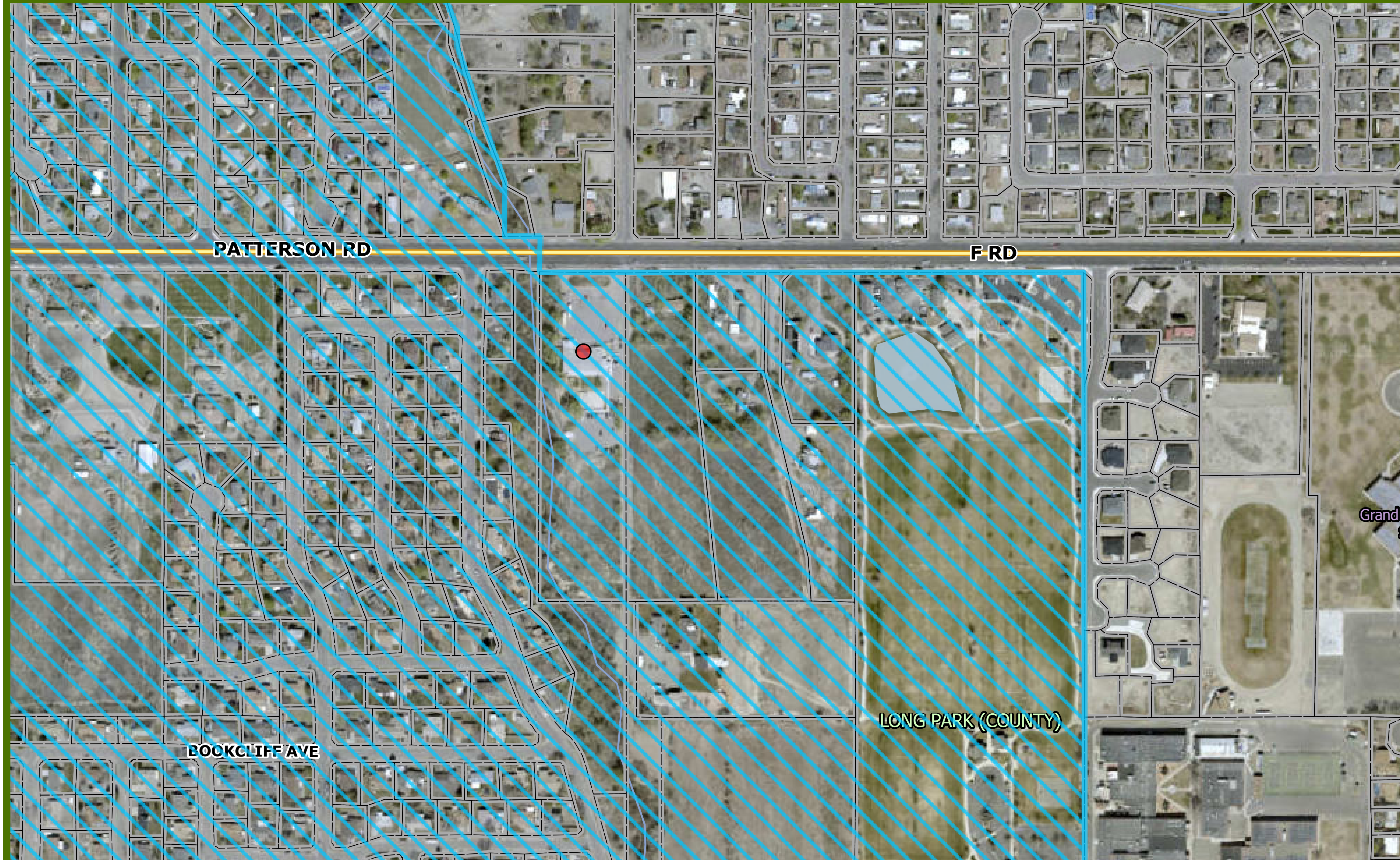
Printed: 3/11/2025

1 inch equals 0 miles

Scale: 1:5,443

CITY OF Grand Junction COLORADO GEOGRAPHIC INFORMATION SYSTEM

Exhibit 2 - 3099 Patterson Road



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0 0.17 0.35 mi

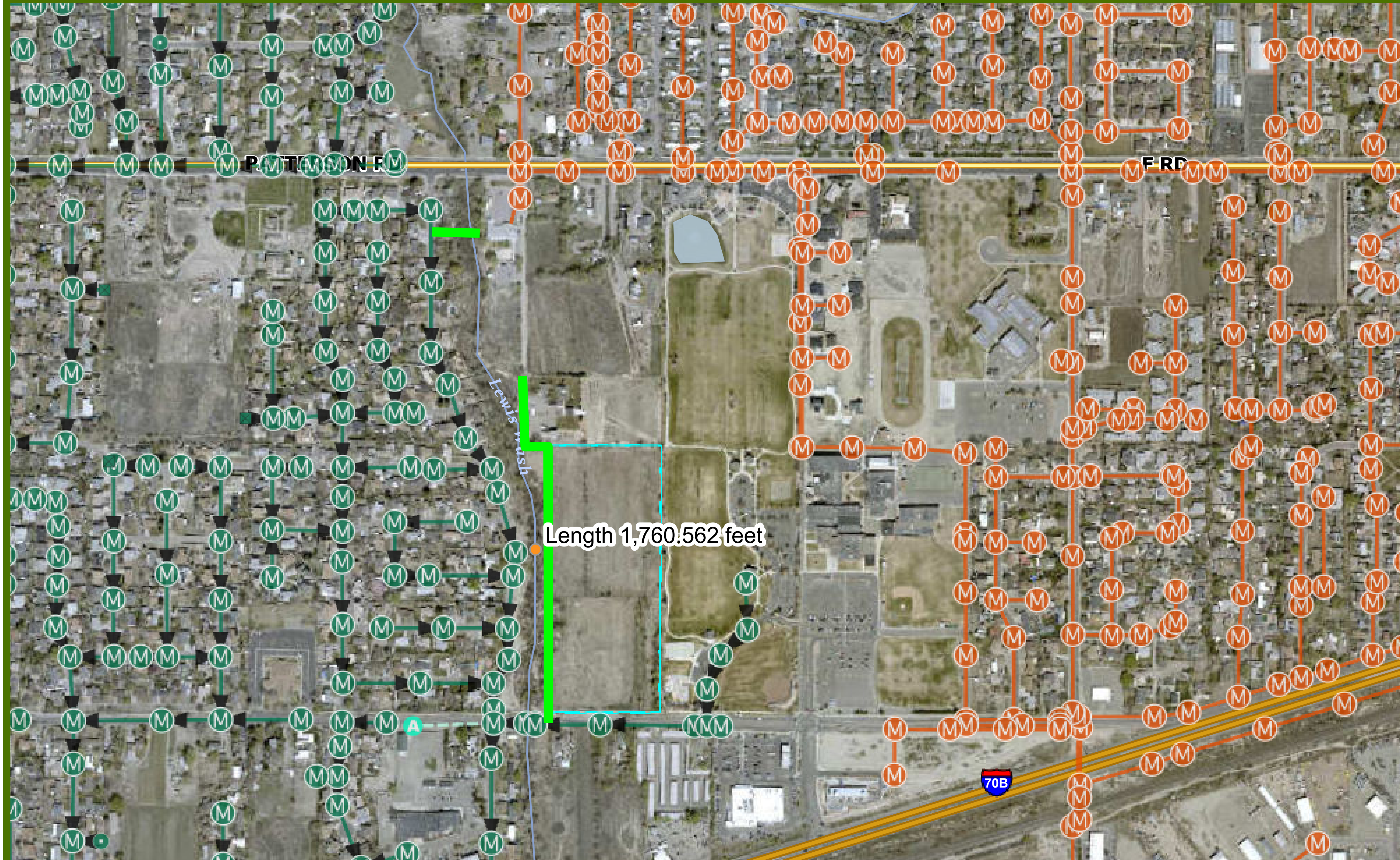
Printed: 3/17/2025

1 inch equals 0 miles

Scale: 1:5,913

CITY OF Grand Junction COLORADO GEOGRAPHIC INFORMATION SYSTEM

Exhibit 3 - 3099 Patterson Road



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0 0.28 0.55 mi

Printed: 3/17/2025

1 inch equals 0 miles

Scale: 1:9,856

City of Grand Junction Colorado
Geographic Information System

CENTRO
de la familia

525 South 300 West
Salt Lake City, UT 84101
(801) 521-4473 | www.cdlf.org

March 12, 2025

Ms. Randi Kim
City of Grand Junction Utilities Director
910 Main Street
Grand Junction, Colorado 81501

Re: 3099 Patterson Road Property
Request To Be Removed from 201 / UDB Boundary

Dear Ms. Kim:

Centro De La Familia is a not for profit organization that currently operates Federal Head Start Programs out of several locations in the Grand Valley. Our intent is to consolidate all our facilities to our 3099 Patterson Road location, which we own. We have received $1,500,000 in grant funding to help pay for improvements needed for this facility and these grant funds must be spent on a select group of approved property improvements no later than June 2025.

Mark Austin, Austin Civil Group, is the authorized representative for Centro in all matters related to the planning and development of 3099 Patterson and will function as our official point of contact as we progress through the planning process.

The purpose of this letter is to request the property located at 3099 Patterson Road to be removed from the Persigo 201 Boundary and Urban Development Boundary (UDB).

The City of Grand Junction included the 3099 Patterson Road property as part of a 201 boundary line change made in March 2021. According to the City's 2021 staff report, this property was on a septic system and a future Persigo sewer truck line in Orchard Avenue would better serve this property. This was the basis for the City adding this property into the 201 Boundary. This clearly was an incorrect assumption as the property is currently being provided with sanitary sewer service from Clifton Sanitation District and the existing Clifton Sewer Main on the property can easily be extended to service a majority of the project site.

As Mark Austin described in an email from Austin Civil Group, Inc. dated February 27, 2025, Eli Jennings with the Clifton Sanitation District confirmed this property has been connected to Clifton Sanitation District's sanitary sewer system since 1990. Clifton Sanitation District has an 8-inch sewer main which currently extends approximately 150-ft into this property and this existing sewer main services this site and can be extended south to service all of the school's long term expansion plans.

The Persigo sewer trunk line in Orchard Avenue is approximately 2,000-ft south of this project's south boundary is clearly not a viable option for this property. In order for this property to access this sewer trunk line, it would need to cross a minimum of two private properties and one of the properties (3101 F Road) has their existing residential home and structures located on the western portion of the property which will make extending a public sewer main through this site extremely challenging assuming you could get the property owner to agree to an easement dedication.

We appreciate your support in presenting this property (3099 Patterson Road) to the Persigo board with our request to have it removed from the 201 and UDB. I have attached copies of the City's 2021 staff report and map change and if you have any additional questions, please contact Mark Austin. We would also like to be present at the board meeting, if possible, to help answer any questions you or the board may have.

Sincerely,

Gonzalo Palza
Chief Executive Officer
Centro de la Familia

Attachments:
March 2021 City of Grand Junction Staff Report
Map of March 2021 Boundary Change

A ▪ C ▪ G

Austin Civil Group, Inc.

Land Planning ▪ Civil Engineering ▪ Development Services

March 11, 2025

Ms. Randi Kim
City of Grand Junction Utilities Director
910 Main Street
Grand Junction, Colorado 81501

Re: 3099 Patterson Road Property
Request To Be Removed from 201 / UDB Boundary

Dear Ms. Kim:

The purpose of this letter is to request the property located at 3099 Patterson Road to be removed from the Persigo 201 Boundary and Urban Development Boundary (UDB).

The property is owned by Centro De La Familia De Utah (Centro), which is a private organization that provides pre-school and day care services in the Grand Valley. Centro operates out of several locations in the Grand Valley and is wanting to consolidate all of their pre-school operations to the 2099 Patterson Road location. Centro has received a $1,500,000 grant to help pay for improvements needed for this facility and the grant funds need to be spent by June 2025.

The City of Grand Junction included the 3099 Patterson Road property as part of a 201 boundary line change made in March 2021. According to the City's 2021 staff report, this property was on a septic system and a future Persigo sewer truck line in Orchard Avenue would better serve this property. This was the basis for the City adding this property into the 201 Boundary. This clearly was an incorrect assumption as the property is currently being provided with sanitary sewer service from Clifton Sanitation District and the existing Clifton Sewer Main on the property can easily be extended to service a majority of the project site.

As I described in my email to you dated February 27, 2025, Eli Jennings with the Clifton Sanitation District confirmed this property has been connected to Clifton Sanitation District's sanitary sewer system since 1990. Clifton Sanitation District actually has an 8-inch sewer main which currently extends approximately 150-ft into this property and this existing sewer main services this site and can be extended south to service all of the school's long term expansion plans.

The Persigo sewer trunk line in Orchard Avenue is approximately 2,000-ft south of this project's south boundary is clearly not a viable option for this property. In order for this property to access this sewer trunk line, it would need to cross a minimum of two private properties and one of the properties (3101 F Road) has their existing residential home and structures located on the western portion of the property which will make extending a public sewer main through this site extremely challenging assuming you could get the property owner to agree to an easement dedication.

We appreciate your support in presenting this property (3099 Patterson Road) to the Persigo board with our request to have it removed from the 201 and UDB. I have attached copies of the City's 2021 staff report and map change and if you have any additional questions, please give me a call. We would also like to be present at the board meeting, if possible, to help answer any questions you or the board may have.

Sincerely,

Austin Civil Group, Inc.
Mark Austin
President

Attachments:
March 2021 City of Grand Junction Staff Report
Map of March 2021 Boundary Changes

JOINT PERSIGO MEETING
CITY OF GRAND JUNCTION, CITY COUNCIL
MESA COUNTY, BOARD OF COUNTY COMMISSIONERS

Item #3.a.

Meeting Date: March 31, 2021

Presented By: Tamra Allen, Community Development Director, David Thornton, Principal Planner

Department: Community Development

Submitted By: David Thornton, Principal Planner

Information

SUBJECT:

Persigo 201 Service Area Boundary Amendments

RECOMMENDATION:

Staff recommends approval of the proposed amendments.

EXECUTIVE SUMMARY:

A subcommittee of the Persigo Board met several times during Summer/Fall 2020 to discuss the alignment of the 201 Service Area Boundary with the Urban Development Boundary. At a meeting of the Persigo Board held on October 20, 2020, direction was provided to work to align the 201 Service Area Boundary (201) with the Urban Development Boundary (UDB) after the then anticipated adoption of the revised UDB as part of the adoption of the One Grand Junction Comprehensive Plan. The new UDB boundary was adopted by both City Council as well as the Mesa County Planning Commission. Modifications to the 201 boundary require approval of the Persigo Board.

BACKGROUND OR DETAILED INFORMATION:

Establishing the Urban Development Boundary (UDB)
The current Persigo 201 Service Area was established in 2008. The 2010 Grand Junction Comprehensive Plan established the Urban Development Boundary (UDB) which was a joint planning effort and adopted by both the City and County. The location of the UDB was heavily informed by the 2008 Black and Veatch study that identified where sewer service could occur and therefore, where urban level of development could feasibly be constructed. It was also the result of many community meetings and input from citizens. The 2020 One Grand Junction Comprehensive Plan

adopted by the City Council and Mesa County Planning Commission in late 2020 and early 2021 respectively, further established the UDB. It made eight changes. Urban land uses are expected in the UDB and include existing urban development and areas that in the future will urbanize and require urban levels of service, including sewer. A UDB Summary of Changes Table and the 2020 One Grand Junction Comprehensive Plan UDB Changes Map show the changes to the Urban Development Boundary by the adoption of the 2020 One Grand Junction Comprehensive Plan, both included in the attachments.

Aligning the 201 Sewer Service Area with the UDB

In the 1998 Intergovernmental Agreement, also known as the Persigo Agreement, the City and the County agreed the Urban Growth Area (UGA; now UDB) and 201 Service Area Boundary should be the same. However, today the 201 Sewer Service Area does not match the UDB in several areas. The 2020 One Grand Junction Comprehensive Plan supports the proposed changes to align the 201 Service Area Boundary with the UDB by moving the 201 Service Area to match up with the UDB as identified in this staff report.

In addition, there are areas (Area 7, 9 and 10 on the Proposed 201 Sewer Service Area Boundary Inclusion and Exclusion Changes Map) where it is recommended to not align the two boundaries. These are areas that include properties being served by Clifton Sanitation and are also located within the Clifton Sanitation 201 boundary. They include several properties north of Patterson Road and east of Lewis Wash, and in the 31 ½ Road and E Road and E ½ Road area, many are already annexed into the City limits. These properties can be served by either sewer provider but they make sense to be served by Clifton because of existing infrastructure benefits for the developer. City staff has and continues to work with Clifton Sanitation staff to identify these areas and make recommendations for areas that can be served by either sewer provider. The other exception where the two boundaries will not align is Area 12 on the Proposed 201 Sewer Service Area Boundary Inclusion and Exclusion Changes Map. Area 12 encompasses the three properties that make up the Parkerson gravel pit. The recommendation here is to not make changes to the 201 until the gravel mining operation is complete and reclamation has occurred allowing for future residential development on the site.

Alignment of the Persigo 201 Service Area Boundary with the UDB works to make the boundaries consistent with Paragraph 14(a) of the 1998 Intergovernmental Agreement, which states in part, "The parties agree that the and the 201 should be the same, although amendments are required to accomplish this consistency."

The Land Uses within the Urban Development Boundary are urban densities or areas reserved for future urban densities, which will require sewer service when developed.

§
Aligning the two boundaries provides clarity and predictability for landowners, neighbors, the development community, and the City and County.

Aligning the boundaries will help the City and County plan for more efficient infrastructure and provision of services.

Proposed Changes to the 201 Service Area
The areas that are being proposed to change are referenced by number to facilitate discussion and shown on the attached the Proposed 201 Sewer Service Area Boundary Inclusion and Exclusion Changes Map. Proposed changes are summarized as follows:

Area 1: Located between I Road and J Road, and between 21 Road and 22 1/2 Road. The area is currently excluded from Persigo 201 boundary but within the UDB. Sewer is approx. 700 feet away to the south in 21 1/2 Road. There are 71 properties on 725 acres and the Comprehensive Plan designates the area as “Rural”.

Recommendation: Inclusion into Persigo 201

Area 2: Located between 23 Road and 23 1/2 Road, and I Road and I 1/2 Road. Area 2 is currently excluded from Persigo 201 boundary but within the UDB. There are 21 properties on 155 acres and the Comprehensive Plan designates the area as “Rural”.

Recommendation: Inclusion into Persigo 201

Area 3: Located at 774 23 Road. The current land use is the Moon Dance RV Park. This property is an enclave within the existing 201 boundary. It consists of one 9.5 acre property. It is surrounded by the Persigo 201 area and the Comprehensive Plan designates the area “Residential Medium”. The adjoining properties to the west, south and east are already annexed to the City and with the sewer trunk line extension from Loves Truck Stop, sewer service is near the property.

Recommendation: Inclusion into Persigo 201

Area 4: Located east of 24 Road to 25 Road and north of I-70, up to H 1/4 Road. The area consists of 57 properties on 250 acres and is currently within the UDB but outside of the Persigo 201. Existing sewer is stubbed at 24 Road and H Road 500 feet away and sewer is stubbed out to Canyon View Park, south of the interstate. The Comprehensive Plan designates the area “Residential Low” from 24 Road east to 24 3/8 Road, with the area further east to 25 Road designated as “Rural”.

Recommendation: Inclusion into Persigo 201

Area 5: Located at 2627 H Road. This is a single 5-acre parcel with a current land use of agricultural with one single family home. The adjoining property is already annexed to the City. The Comprehensive Plan designates the area as “Residential Low”.

Recommendation: Inclusion into Persigo 201

Area 6: This area includes 40 parcels on 2,800 acres containing the Grand Junction Regional Airport and some private land located between 30 Road and 30 ½ Road including Grand Junction Motor Speedway. The Comprehensive Plan designates the area as “Airport”, “Industrial”, and “Commercial”.

Recommendation: Inclusion into Persigo 201

Area 7: This area located east of Lewis Wash includes two properties in their entirety and seven properties partially within the Persigo 201 Boundary, but all nine properties are also within the Clifton Sanitation District 201 Boundary and being served by Clifton Sanitation District. This area will not be served by Persigo.

Recommendation: Exclusion from Persigo 201

Area 8: Located at 3099 Patterson Road. This property has an existing church with undeveloped land to the south on 5.3 acres in a Comprehensive Plan Residential Medium Land Use category. Sewer service can be provided by Clifton Sanitation for the church building although the building is currently on septic. The southern portion of the property is better served by Persigo with a future sewer trunk line constructed from Orchard Avenue. As drawn on the map the northern boundary of the proposed 201 boundary on this property lies along the southern wall of the existing church building.

Recommendation: Inclusion into Persigo 201

Area 9: Located at 3145 E ½ Road. This property is located within the City limits and is designated as Commercial on the Land Use map. The property can be served by either Persigo or Clifton Sanitation, but is better served by Clifton due to the proximity of Clifton’s existing sewer lines. City and Clifton Sanitation staff recommend that Clifton serve the property when developed.

Recommendation: Exclusion from Persigo 201

Area 10: Located at 3140 and 3142 E Road, the property at 3140 is currently inside the Persigo 201 and 3142 is partially in and out with the boundary splitting the property down the middle. City and Clifton Sanitation staff recommend that Clifton serve the property when developed. Today, Mesa County's current reconstruction of E Road in this area has allowed for Clifton Sanitation to improve infrastructure to these two properties.

Recommendation: Exclusion from Persigo 201

Area 11: Area 11 includes a River Trail Subdivision HOA owned property that has a small portion of their property outside of the Persigo 201 and this proposed change modifies the 201 to include the entire property. The second property at 365 32 Road is the Halliburton property and currently served by Persigo that similarly has a portion of the property outside the 201, this proposed change also modifies the 201 to include the entire property. The 2020 One Grand Junction Comprehensive Plan amended the UDB to include both properties in their entirety.

Recommendation: Inclusion into Persigo 201

Area 12: Three properties located at 311 31 Road, 3094 C Road, and 3098 C Road were excluded from the Persigo 201 in October 2015 due to a request for the property to be mined for gravel. It is proposed to keep the Persigo 201 and UDB as it currently is until a time when reclamation of the properties occur, or unless the Persigo Agreement be amended that would allow the Conditionally approved use to be expanded/modified without triggering annexation. A future request for inclusion into the Persigo 201 Boundary would be viewed favorably. The 2020 One Grand Junction Comprehensive Plan retained this property within the UDB.

Recommendation: No Change at this time

Area 13: There are 22 properties consisting of 125 acres in the area west of 31 Road and north of Highway 50 on Orchard Mesa that are located within the UDB, but not within the Persigo 201. The Comprehensive Plan designates the area "Residential Rural" for all of the area except for 38 acres located at the NE corner of US Hwy 50 and 31 Road which is designated "Commercial" on the Land Use Plan map.

Recommendation: Inclusion into Persigo 201

Area 14: This area is part of the City's parks and open space property near 3 Sisters and the Lunch Loop facility on Monument Road. The property is annexed into the City and was included in the UDB as part of the 2020 One Grand Junction Comprehensive Plan.

Recommendation: Inclusion into Persigo 201

Area 15: This property owned by the BLM and accessed from Wildwood Drive was previously reviewed for exclusion by the Persigo Board but turned down. The BLM had issued a letter requesting the exclusion at the time. The property is not within the UDB.

Recommendation: Exclusion from Persigo 201

The areas that are proposed for inclusion or exclusion are referenced by number in the list above and shown on the map attached (Attachment 1 - Sewer Service Area Boundary Inclusion and Exclusion Changes Map).

Additional Background and History
Since 2010, the Persigo Board has considered a number of inclusions and exclusions in the area. For example, all of the properties north of the Grand Valley Mainline Canal and west of 23 Road have been excluded on a property-by-property basis from the Persigo 201 sewer service area boundary. The properties immediately north of 1-70 and west of 25 Road, known as Peach Hill, were proposed for inclusion in April of 2016. At that time, the Persigo Board declined to grant the inclusion, despite the properties being located within the UDB. Following that hearing, staff was directed to assess all areas where the UDB and 201 Service Area did not align. In August 2017, County and City staff worked together to propose comprehensive changes to the Persigo Boundary that would align the Persigo Boundary with the UDB. These were put forth for consideration in August 2017 – of the proposed 11 changes to the boundary, the Board adopted 2 of them. In preparation for the 2017 boundary changes, two open houses were held and over 100 attended.

Since 2017, the Board has heard case-by-case requests for inclusion/exclusion into the 201 Service Area Boundary, including the Maverick request (June 2019) for inclusion located within the UDB; and the recent (July 2020) request for the exclusion of the Riley property.

The last time the 201 and the UDB boundary issues were discussed by the Persigo Board was at the October 20,2020 meeting.

Procedure for Boundary Modification
In accordance with the Persigo Sewer System Intergovernmental Agreement (IGA) Section 45.080.010, The Master Plan (also known as the Comprehensive Plan) is the community's best effort to identify those areas of the Central Grand Valley that should be urbanized, and those that should not. "Urban or Urbanizing" is defined as "Within the Joint Urban Area Plan (JUP), any development or use other than residential single-family dwelling(s) on lots, parcels or tracts which are smaller than two acres in size, net."

In accordance with Section 45.08.080, the City and the County agree to amend the urban growth boundary, or the 201, or both, so that such boundaries and areas are identical.

Section 4.11 of the Sewer Rules and Regulations Governing the Management and Operation of the Joint City-County Sewer System (adopted June 1, 1994) specifies that “the decision on the question of modification shall be made by the City Council, and if required by applicable law, shall be forwarded to other agencies whose decision is required. Further, G.38 of the Persigo Intergovernmental Agreement includes a provision for policy decisions (including changes to the boundaries of the 201) to be made at joint Persigo Board meetings.

In accordance with Rule 4.11, a public hearing shall be scheduled with prior notice of such hearing to be published at least twice, 10 days prior to such hearing. The decision on the question of modification shall be made by the City Council, and if required by applicable law, shall be forwarded to other agencies whose decision is required.

Notice to Affected Properties
Notice was sent out to all affected property owners postmarked March 12, 2021. Please see the attached “Notice” and "Property Owners List".

FISCAL IMPACT:

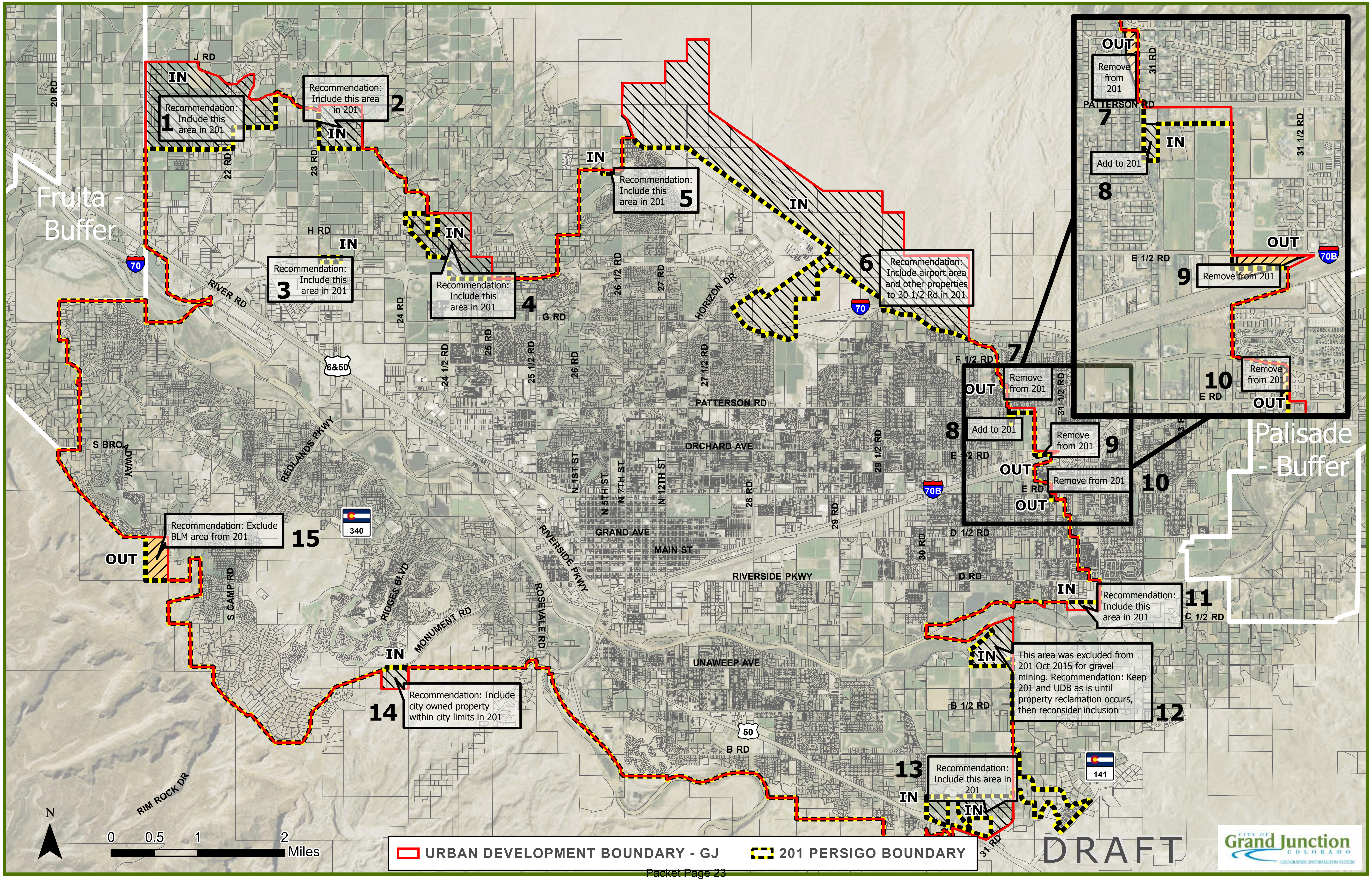
There is no direct fiscal impact related to this request.

SUGGESTED MOTION:

I move to (approve/deny) changes to the Persigo 201 Sewer Service Area boundary to include inclusion into the Persgo 201 Sewer Service boundary Areas 1 thru 6, Area 8, Area 11, Area 13 and Area 14; and to include exclusion from the Persigo 201 Sewer Service boundary Area 7, Area 9, Area 10 and Area 15.

Attachments

1. UDB Summary of Changes Table
2. 2020 One Grand Junction Comprehensive Plan UDB Changes Map
3. Proposed 201 Sewer Service Area Boundary Inclusion and Exclusion Changes Map
4. Notice
5. Property Owner List



Recommendation: Include this area in 201
1
IN
Recommendation: Include this area in 201
2
IN
Recommendation: Include this area in 201
3
IN
Recommendation: Include this area in 201
4
IN
Recommendation: Include this area in 201
5
IN
Recommendation: Include airport area and other properties to 30 1/2 Rd in 201
6
IN
7
OUT
Remove from 201
8
Add to 201
IN
9
Remove from 201
OUT
10
Remove from 201
OUT
Recommendation: Include this area in 201
11
IN
This area was excluded from 201 Oct 2015 for gravel mining. Recommendation: Keep 201 and UDB as is until property reclamation occurs, then reconsider inclusion
12
IN
Recommendation: Include this area in 201
13
IN
Recommendation: Include city owned property within city limits in 201
14
IN
Recommendation: Exclude BLM area from 201
15
OUT
Fruita - Buffer
Palisade - Buffer
J RD
20 RD
22 RD
23 RD
H RD
RIVER RD
24 RD
G RD
24 1/2 RD
25 RD
25 1/2 RD
26 RD
26 1/2 RD
27 RD
HORIZON DR
27 1/2 RD
PATTERSON RD
PATTERSON RD
F 1/2 RD
31 RD
31 1/2 RD
E 1/2 RD
E RD
ORCHARD AVE
29 1/2 RD
N 1ST ST
N 5TH ST
N 7TH ST
N 12TH ST
28 RD
29 RD
30 RD
GRAND AVE
MAIN ST
D 1/2 RD
D RD
RIVERSIDE PKWY
RIVERSIDE PKWY
C 1/2 RD
REDLANDS PKWY
S BROADWAY
S CAMP RD
RIDGES BLVD
MONUMENT RD
ROSEVALE RD
UNAWEEP AVE
B 1/2 RD
B RD
31 RD
RIM ROCK DR
70
70
70B
70B
6&50
340
50
141
N
0 0.5 1 2 Miles
URBAN DEVELOPMENT BOUNDARY - GJ
201 PERSIGO BOUNDARY
DRAFT
City of Grand Junction Colorado

JOINT PERSIGO MEETING
CITY OF GRAND JUNCTION, CITY COUNCIL
MESA COUNTY, BOARD OF COUNTY COMMISSIONERS

Item #3.b.

Meeting Date: April 3, 2025

Presented By: Randi Kim, Utilities Director

Department: Utilities

Submitted By: Randi Kim

Information

SUBJECT:

Policy and Regulations Encouraging Connection of all Properties within the 201 to the Sewer System

RECOMMENDATION:

For discussion purposes only

EXECUTIVE SUMMARY:

A review of the Persigo Intergovernmental Agreement goal of encouraging connection of all properties within the Persigo 201 Sewer Service Area Boundary to the System and adopted Wastewater Regulations pertaining to this goal.

BACKGROUND OR DETAILED INFORMATION:

The 1998 Intergovernmental Agreement between the City of Grand Junction and Mesa County relating to City Growth and Joint Policy Making for the Persigo Sewer System includes the following goals:

> "The overriding goal of the County is to make available connection to the System to all properties within the 201 Service area..."
>
> "This Agreement between the City and the County addresses the following goals and community values:
>
> (c) The pursuit of health and water quality on behalf of all citizens is of the utmost importance;
>
> (e) encourage connection of all properties within the 201 to the System in the short term, rather than waiting for septic systems to fail;"

Further, the Rules of Construction of the Intergovernmental Agreement specify that:

"(a) If a term or the application of this Agreement is ambiguous or cannot otherwise be determined, these rules, in the order presented, shall guide resolution of the question:
(i) annexation of the property to the City should be accomplished;
(ii) Sewer service to all properties within the 201 shall be provided;"

As the Manager of the Joint Sewer System, the City began the process of documenting existing practices and procedures by adopting Rules and Regulations for the Joint Sewer System by resolution (City #87-93, City #94-93, City #41-94, City #62-94, City #80-95). The City and County passed a joint resolution (City #83-03, County #2003-149) amending the Wastewater Regulations, Section 4, System Expansion in September 2003. The Wastewater Regulations are codified in the Grand Junction Municipal code (GJMC) Title 13.

The Wastewater Regulations address the requirements to connect to sewer and prohibit the ongoing use of septic tanks under the following circumstances:

1. If properties are within 400 feet of sewer, connection to sewer is mandatory.

GJMC 13.04.090 Connection to sewer mandatory – Construction, use and/or repair of privies and/or septic tanks disallowed. The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, and/or other purposes situated within the City or County and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City or County are hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 120 days after date of official notice to do so; provided, that such public sewer is within 400 feet (122 meters) of the property line.

It shall be unlawful to construct, use or maintain and/or repair any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater when the same site is within 400 feet of an existing public sewer with sufficient capacity and official notice disallowing the use of the same shall have been given to the owner of the house, building or property.

GCMC 13.04.110 Private disposal systems.(c) Connection to Public Sewer Upon Availability of Public Sewer – Abandonment of Private Facilities. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in GJMC § 13.04.090, a direct connection shall be made to the public sewer in compliance with this code within 120 days after the date of official notice to do so, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

2. For developing areas that require system expansion to serve a new subdivision or development, connection to sewer is mandatory and the developer pays for the cost of expansion.

GCMC 13.16.060 Types of system expansion
(a)(1) Developing Areas.Typically, system expansion in developing areas occurs at the time of subdivision or development approval: the developer pays the costs needed to extend/expand the system to serve the subdivision or development."

3. For areas that are already developed and require system expansion to serve the property, connection to sewer is mandatory when a septic system fails and the property is within 400 feet of sewer. The property owner pays for the sewer extension.

GCMC 13.16.060 (b)(1) Policy – Provide Sewer. Some areas have already developed as individual lots and uses without sewer service. However, it is the policy of the Manager, as confirmed by the Persigo agreement, that sewer should be provided whenever and wherever practicable. Specific circumstances when sewer must be provided to such individual lots and uses include:
(i) A residential unit served by an ISDS (individual septic disposal system) which fails and the property is within 400 feet of a sewer

The property owners...must pay the cost of sewer extension and appurtenant sewer service facilities. The Manager finds that the system should not pay for such costs, except as provided for herein.

4. For areas that are already developed that require system expansion to serve the property, connection to sewer is mandatory with expansion or subdivision of an existing property. Property owner pays for the sewer extension.

GCMC 13.16.060 (b)(1) Policy – Provide Sewer. Some areas have already developed as individual lots and uses without sewer service. However, it is the policy of the Manager, as confirmed by the Persigo agreement, that sewer should be provided whenever and wherever practicable. Specific circumstances when sewer must be provided to such individual lots and uses include:
(ii) The expansion or subdivision of an existing residential or nonresidential use or property.

The property owners...must pay the cost of sewer extension and appurtenant sewer service facilities. The Manager finds that the system should not pay for such costs, except as provided for herein.

Criteria for Exceptions to Connecting to Sewer System

As stated above, the overriding goal is to provide sewer service to all properties.

However, the Manager may authorize continued use of a septic system under certain circumstances. In cases when a septic system fails or the property is expanded or subdivided, and the property owner can demonstrate that it is impracticable to connect to the sewer and adequate disposal and treatment facilities exist as defined by current regulations. (GCMC 13.16.060 (c))

Examples of when sewer construction may be “impracticable” include but are not limited to:

(i) There is a low likelihood of a local sewer improvement district being formed in the near future
(ii) The sewer line is in a location or with grades such that few if any other nearby properties can be efficiently served by the new line
(iii) The location of the closest (within 400 feet) sewer line is in a different drainage basin or is across a major street, waterway or similar impediment to the construction of a line such that the expense of the new line is wholly out of proportion to the average cost of extending residential service
(iv) To construct pumping facilities and a force main would be too great an expense compared to participation in a future local improvement district

Adequate disposal and treatment facilities as defined by Mesa County’s On-Site Wastewater Treatment System Regulations means:

a. Meet minimum standards for design and construction
b. Maximum land use density of one dwelling unit per acre
b. Not within the 100-year floodplain

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

For discussion purposes only

Attachments

1. Resolution No. 83-03 - 2003

CITY RESOLUTION NO. 83-03
COUNTY RESOLUTION NO. MCM 2003-149

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION AND THE BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY AMENDING THE WASTEWATER REGULATIONS, SECTION 4, SYSTEM EXPANSION

WHEREAS, the City is the Manager of the Joint Sewer System; and

WHEREAS, the Manager has recommended amendments to Section 4 of the existing sewer rules and regulations; and

WHEREAS, the City Council and Board of County Commissioners, in separate sessions, have found that such amended Rules and Regulations are in the public interest and should be approved.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL AND THE BOARD OF COUNTY COMMISSIONERS, THAT;

The attached Section 4, "System Expansion" is hereby adopted as amended and made a part of the Rules and Regulations which shall govern the operation and management of the Joint Sewer System.

PASSED and **ADOPTED** by the Grand Junction City Council this 3rd day of September, 2003.

PASSED and **ADOPTED** by the County Commissioners of Mesa County this 6th day of October, 2003.

Attest:

Stephanie Tuin
City Clerk

[signature]
President of the City Council

Attest:

Janice Ward
County Clerk

James R. Baughman
Chair, Mesa County Commissioners

MESA COUNTY 1883 SEAL COLORADO

CITY OF GRAND JUNCTION COLORADO

AMENDMENTS TO
SECTION 4, SYSTEM EXPANSION

2. DEVELOPED AREAS

Policy - Provide Sewer.

Some areas have already developed as individual lots and uses without sewer service, however, it is the policy of the Manager as confirmed by the Persigo Agreement that sewer should be provided whenever and wherever practicable. Specific circumstances when sewer must be provided to such individual lots and uses include:

a. a residential unit served by an ISDS (individual septic disposal system) which fails and the property is within 400 feet of a sewer, and/or

b. the expansion or subdivision of an existing residential or non-residential use or property.

The property owners in both of these circumstances must pay the cost of sewer extension and appurtenant sewer service facilities. The Manager finds that the System should not pay for such costs, except as provided for herein.

The costs of retrofitting an area for sewer service is typically much higher than if sewer is connected/constructed at the time of development and many times construction/connection after the fact means that the costs attributable to each lot, especially residential lots or parcels, is high. The Manager finds that some form of financing may be required, under certain circumstances, to promote providing sewer service and thereby protecting the public health.

c. An improvement district is a useful financing tool which allows for payments over time of the costs of retrofitting an area. The Manager endorses and approves the use of improvement district(s).

Typically, an improvement district is used when a neighborhood or other identifiable area needs sewer service and the owners in the area can garner sufficient owner consent to form a district. For areas within the City limits, the City improvement district process is available. For areas not wholly within the City limits, other improvement districts, requiring the oversight and consent of the County Commissioners, may be available.

d. In an area where insufficient owners consent to form a district, other mechanisms are needed to allow the continuing use of a property which does not have sewer service available, but for which sewer service is required. Such a situation may arise in an area generally served by ISDS where one septic system fails or does not meet current standards.

Rule 4.7.

In the case of 2a (a residential unit served by an ISDS (individual septic disposal system) which fails and the unit is within 400 feet of a sewer) if a property owner demonstrates to the satisfaction of the Manager that the following two conditions exist:

(1) the construction of a sewer line is *impracticable* <u>and</u>

(2) *adequate disposal and treatment facilities exist* as defined by current regulations (generally by the repair/reconstruction of a failed ISDS)

then the Manager may authorize the continued use of an ISDS.

That approval/permit shall be issued on the following terms and conditions, which shall be specifically agreed upon by the property owner pursuant to a written agreement in advance of repair/reconstruction of an ISDS.

Examples of when sewer construction may be "*impracticable*" include but are not limited to:

i. There is a low likelihood of a local sewer improvement district being formed in the near future based on the manager's discussions of the formation of the same with the benefiting owners, and the number and location of POA's to form a district is insufficient to create the same; or

ii. The sewer line, to be constructed by the property owner, is in a location or with grades such that few if any other nearby properties can be efficiently served by the new line; or

iii. The location of the closest (within 400 feet) sewer line is in a different drainage basin or is across a major street, waterway or similar impediment to the construction of a line such that the expense of the new line is wholly out of proportion to the average cost of extending residential service; or

iv. To construct pumping facilities and a force main would be too great an expense compared to participation in a future local improvement district.

"*Adequate disposal and treatment facilities*" means that a local package treatment plant is or will be made available and functioning or that the ISDS may be regularly pumped and disposed of at the plant.

"Repair/reconstruction of a failed ISDS" means that the property owner meets all state and county health department regulations for ISDS repair or replacement.

Terms and Conditions of the written agreement:

(a) The property owner shall deliver an executed power of attorney for formation of a future sewer improvement district; and

(b) The property owner shall pay that amount of money which the Manager calculates to be the proportionate share of the sewer line construction costs, as defined by the Manager, attributable to the development or property, plus an administrative charge of six percent (6%) of the principal amount of such proportionate share (the "Payment"); and

(c) The Manager may authorize the Payment, described in Rule 4.7(b), above, over a term of years, not to exceed ten, upon the execution and delivery by the developer of a promissory note and mortgage or deed of trust sufficient, in the judgment of the Manager, to reasonably ensure that the Payment will be timely made; and

(d) Interest shall accrue on the Payment at a rate established by the City Council, by resolution, or in the absence of such a resolution, at a rate which is equal to the rate of return on City investments obtained by the Finance Director of the City on the City's long-term investments; and

(e) The obligation to pay the Payment, in addition to the mortgage or deed of trust, shall constitute a lien upon the property and shall be equivalent to the lien provided for in the City Code establishing a water lien, presently § 31-3. All remedies available pursuant to such § 31-3 shall equally apply to the lien described and created herein; and

(f) In the event that an improvement district is formed and some or all of the Payment has been paid, the assessment which would otherwise be payable shall be reduced by the amount of principal of the construction cost which has been paid; and

(g) The property owner shall dedicate, at no cost to the City, such right-of-way or easements as the Manager shall deem necessary to construct, operate, and maintain the System, in accordance with City specifications and standards. In the event that insufficient information is available to determine the legal description of the required rights-of-way or easements at the time of approval or permit issuance, the developer shall promise and covenant to make such a conveyance or grant at such time in the future as the Manager shall require.

If adequate disposal and treatment facilities do <u>not</u> exist or a failed ISDS can <u>not</u> be repaired so that such a system can adequately serve a property during an interim period before sewer lines are constructed, then the property shall be abandoned or vacated until adequate treatment or disposal is available. Adequate disposal may include regular and periodic pumping and disposal of accumulated waste at the Plant.

In the case of 2b. (the expansion or subdivision of an existing residential or non-residential use or property) if a property owner/developer demonstrates to the satisfaction of the Manager and the County that the following two conditions exist:

(1) the construction of a sewer line is impracticable <u>and</u>
(2) adequate disposal and treatment facilities exist as defined by current regulations (generally defined as the construction of an engineered ISDS)

then the Manager and the County Commission may authorize expansion or subdivision of the property however that approval or permit, if any, shall be issued based on the conditions in 4.7 (a) – (g) which shall be specifically agreed upon by the property owner/developer pursuant to a written agreement.

The Manager and the County Commissioners may deliberate and act separately but the concurrence of both is required to grant an exception to the sewer construction requirement.

Application for an exception to the requirement that sewer be constructed shall be made prior to submission of development/subdivision plans on forms provided by and with detail determined by the Manager and shall not be made for more than 2 lots in any subdivision or use expansion.

That approval/permit shall be issued on the following terms and conditions, which shall be specifically agreed upon by the property owner pursuant to a written agreement in advance of construction of an ISDS on any lot of for any expansion.

Examples of when sewer construction may be "impracticable" include but are not limited to:

v. There is a low likelihood of a local sewer improvement district being formed in the near future based on the manager's discussions of the formation of the same with the benefiting owners, and the number and location of POA's to form a district is insufficient to create the same; or

vi. The sewer line, to be constructed by the property owner, is in a location or with grades such that few if any other nearby properties can be efficiently served by the new line; or

vii. The location of the closest (within 400 feet) sewer line is in a different drainage basin or is across a major street, waterway or similar impediment to the construction of a line such that the expense of the new line is wholly out of proportion to the average cost of extending residential service; or

viii. To construct pumping facilities and a force main would be too great an expense compared to participation in a future local improvement district.

"Adequate disposal and treatment facilities" means that a local package treatment plant is available and functioning or that an ISDS may be constructed, regularly pumped and disposed of at the plant in accordance with all State and County health department regulations.

ix. residential service; or

x. To construct pumping facilities and a force main would be too great an expense compared to participation in a future local improvement district.

"*Adequate disposal and treatment facilities*" means that a local package treatment plant is or will be made available and functioning or that the ISDS may be regularly pumped and disposed of at the plant.

Terms and Conditions of the written agreement:

(a) The property owner shall deliver an executed power of attorney for formation of a future sewer improvement district; and

(b) The property owner shall pay that amount of money which the Manager calculates to be the proportionate share of the sewer line construction costs, as defined by the Manager, attributable to the development or property, plus an administrative charge of six percent (6%) of the principal amount of such proportionate share (the "Payment"); and

(c) The Manager may authorize the Payment, described in Rule 4.7(b), above, over a term of years, not to exceed ten, upon the execution and delivery by the developer of a promissory note and mortgage or deed of trust sufficient, in the judgment of the Manager, to reasonably ensure that the Payment will be timely made; and

(d) Interest shall accrue on the Payment at a rate established by the City Council, by resolution, or in the absence of such a resolution, at a rate which is equal to the rate of return on City investments obtained by the Finance Director of the City on the City's long-term investments; and

(e) The obligation to pay the Payment, in addition to the mortgage or deed of trust, shall constitute a lien upon the property and shall be equivalent to the lien provided for in the City Code establishing a water lien, presently § 31-3. All remedies available pursuant to such § 31-3 shall equally apply to the lien described and created herein; and

(f) In the event that an improvement district is formed and some or all of the Payment has been paid, the assessment which would otherwise be payable shall be reduced by the amount of principal of the construction cost which has been paid; and

(g) The property owner shall dedicate, at no cost to the City, such right-of-way or easements as the Manager shall deem necessary to construct, operate, and maintain the System, in accordance with City specifications and standards. In the event that insufficient information is available to determine the legal description of the required rights-of-way or easements at the time of approval or permit issuance, the developer shall promise and covenant to make such a conveyance or grant at such time in the future as the Manager shall require.

If adequate disposal and treatment facilities do <u>not</u> exist or can not be constructed that such a system can adequately serve a property during an interim period before sewer lines are constructed, then the property shall be abandoned or vacated until adequate treatment or disposal is available. Adequate disposal may include regular and periodic pumping and disposal of accumulated waste at the Plant.

Section 4, subsection (f), Rule 4.11, third paragraph, shall be amended in part as follows:

The words "**30 days prior to such hearing**" is changed to read "**10-days prior to such hearing.**"