

JANUARY 30, 2002

CALL TO ORDER

At 7:00 p.m., Mayor Cindy Enos-Martinez called to order a special joint meeting of the Grand Junction City Council and the Board of Mesa County Commissioners at Two Rivers Convention Center, Adobe/Escalante Rooms, 159 Main Street, Grand Junction, Colorado. Those present included Commissioners: Kathryn H. Hall, Doralyn B. Genova, and James R. Baughman; Grand Junction City Council members: Reford Theobald, Harry Butler, Jim Spehar, Dennis Kirtland, and Janet Terry; Robert Jasper, Mesa County Administrator; Kelly Arnold, Grand Junction City Manager; Kurt Larsen, Mesa County Planning Director; Bob Blanchard, Grand Junction Planning and Development Director; Lyle Dechant, County Attorney; Valerie Robison, Assistant County Attorney; Dan Wilson, Grand Junction City Attorney; Stephanie Tuin, Grand Junction City Clerk; and Roberta Raley, Clerk to the Board. (Minutes transcribed by Roberta Raley, Clerk to the Board.)

ADMINISTRATIVE

APPOINT BONNIE PEHL-PETERSON, J.D. SNODGRASS, AND WALID BOU-MATAR TO THE RIVERVIEW TECHNOLOGY CORPORATION BOARD OF DIRECTORS, FOR THREE YEAR TERMS.

JANET TERRY MOVED, REFORD THEOBOLD SECONDED, AND MOTION UNANIMOUSLY CARRIED TO APPOINT BONNIE PEHL-PETERSON, J.D. SNODGRASS, AND WALID BOU-MATAR TO THE RIVERVIEW TECHNOLOGY CORPORATION BOARD OF DIRECTORS, FOR THREE YEAR TERMS.

JAMES R. BAUGHMAN MOVED, DORALYN B. GENOVA SECONDED, AND MOTION UNANIMOUSLY CARRIED TO APPOINT BONNIE PEHL-PETERSON, J.D. SNODGRASS, AND WALID BOU-MATAR TO THE RIVERVIEW TECHNOLOGY CORPORATION BOARD OF DIRECTORS, FOR THREE YEAR TERMS.

PERSIGO JOINT MEETING WORK SHOP

Cindy Enos-Martinez related that the City Council invited the Board of County Commissioners to a Joint Work Shop for discussion on some Persigo issues. The body was not gathered to have a debate amongst themselves nor for staff to have a debate.

Chairman Hall agreed with Cindy Enos-Martinez and that it should be a celebration of the Persigo Agreement as it was 18 months of very hard core deliberation and the agreement has worked very well. The community has benefitted from the Septic System Elimination Program being accepted so readily. She thanked the two staffs for working so well together.

Kurt Larsen reviewed the history of the Persigo Joint Agreement, the Interim Agreement, and the adoptions of the Development Code for the City of Grand Junction and the Mesa

County Land Development Code.

Bob Blanchard outlined the issues:

1. Who is/are the decision making body/bodies for Master Plan Amendments in the Joint Urban Planning Area?
 - A. Are there joint decisions?
 - B. What is the Master Plan? Is this the same as the City's Growth Plan, as referenced in the City Development Code?
 - C. Definitions?
 - (1) Urban Growth Boundary is ..? The combined 201 Areas, City's 201 Area and Clifton Sanitation I and II?
 - (2) Joint Urban Planning Area is ..? The same as the Joint Planning Area?
 - (3) The Persigo 201 Boundary is ..? The same as the Urban Growth Boundary, without the Clifton Sanitation I and II.
2. What are the mutual goals of the Council and Board of Commissioners?

Bob Blanchard related that the two staffs have run into difficulties with the different interpretations, use of different terminology between the Persigo Agreement, the Interim Agreement, and the two Codes. There are also different definitions and differences in identification of who makes the decisions where and if it is appropriate for joint decision making.

Mr. Blanchard related that he felt the intent of the Persigo Agreement was that there would be joint decision making everywhere inside the Joint Planning Area, which meant inside the City, inside the Persigo Boundary, inside the Urban Growth Area, and inside the Joint Planning Area. The Interim Agreement was that inside the City limits only the City will make the decisions; and outside the City but within the Persigo 201 Boundary there would be joint decision making, and does not address the Joint Planning Area in any matter. There is a discrepancy between the two Codes. The City Code states that for the area outside of the City limits, but within the Joint Planning Area, it is to be joint decision making. The County Code states that outside the Urban Growth Area within the Joint Planning Area it is a County decision only. Mr. Blanchard related that he understood that any change within the colored area of the map would need a joint decision.

Kurt Larsen related that the two codes use different terms to define the areas. Some have specific definitions and others do not.

Reford Theobald related that he recollected the joint decisions were for the most part delegated based on a jointly decided map; and within the Joint Planning Area that the City and County would work together to determine what the overall broad designations were going to be; within the City limits the City would adopt their plan and make decisions on that plan; outside the City limits but within the Joint Planning Area the County would make those decisions, but the County's decision would be based on the plan that both had adopted for the Joint Planning. The two bodies would not be making decisions regarding any land use, but rather two bodies making decisions on the big picture, from the jointly adopted Planning Area, each would make the administrative decisions within their own jurisdictions.

There was discussion on how the Interim Agreement was meant to be used and whether or not it should even be still considered. Commissioner Baughman related that the Interim Agreement still holds historical value, as to what the thinking was by the respective bodies and who would control land use where. Kurt Larsen related that the County Code mirrors the Interim Agreement.

The Interim Agreement was silent on what happens in the area that is not the Urban Growth Boundary but is in the Joint Planning Area. Another thought was that there would be no City involvement in specific land use decisions in the outer area, but some City involvement in changes in land use designations on the Master Plan. Changes was the operative word. The Master Plan was going to be created jointly, which the City Code refers to. Once the Plan was adopted jointly, the City would make all decisions inside the City, the County makes all decisions outside the City, and that is the language reflected in the County Code.

Kurt Larsen related that if the two bodies were not in agreement there is a challenge, 11 (b) of the Persigo Agreement. There is also language in the Interim Agreement, D.5, When the City and the County both must act, failure to agree means the Plan is not amended. In such event, the proposed development must be changed until it is consistent with the Plan.

Reford Theobold related that the language states that both must act and if one does not act that is an implied agreement, which means both have acted. Jim Spehar related that he was unclear on the instances that both bodies must act. He felt that the language implied that there were circumstances under which there must be agreement for a change, and he questioned what are those circumstances. The Council members discussed that any change to the colored area would take approval of both bodies or if there was an objection by one there would not be a change until the two parties were in agreement. It was discussed that there may need to be resolution language for 11.(b) if there is disagreement.

Cindy Enos-Martinez felt that the two bodies needed to look at the Interim Agreement and decide if the Codes need to be amended so that the Staffs could interpret it the same way. Some how the Interim Agreement did not get reflected in the City Code the same as in the County Code.

Chairman Hall recommended that both bodies needed to study the Persigo Agreement. She related that she felt the two bodies were at the point that there was one issue: What is the Joint Planning Area and what does Persigo address on that. A resolution of the matter needs to be described if one of the bodies do not agree. There was discussion that even amongst the ten of them there are different terms that need some clarification.

Chairman Hall related that she felt everybody was in agreement on the Urban Growth Boundary and what happens within that boundary. The two codes differ on the Joint Planning Area. Bob Blanchard related that the City Code states, "City and County Planning Commissions shall consider requests concerning property located outside of the City but within the Joint Urban Planning Area," and does not refer to the Urban Growth Boundary. Reford related that he felt the reason why the City Code was silent to the Urban

Growth Boundary was because it would not come up, anything within the Urban Growth Boundary that was going through a growth plan amendment would go through the development process and have annexation. Commissioner Baughman related that the 201 triggered that scenario not the Urban Growth Boundary.

Reford Theobald brought up the matter that a decision needed to be made as to what the role of the two bodies were: trying to create an agreement based on the recollection of the original intent, some type of interpretation of what the language on the two documents, or what the two bodies are going to agree as to what to do regardless of the first two. Chairman Hall asked why not a combination of all three, as it all works together? We have to go back and remember what we did, why we did it, and it also brings together where we are today and where we go from here. Jim Spehar felt that the structure for the interpretation might be the Interim Agreement and the thing that does not seem to be discussed anywhere that needs to be on the table is the resolution of when the two bodies disagree and how to resolve the issue. Reford related that the Interim Agreement was not meant to be the interpretation of Persigo but rather to bridge the tie between the adoption of Persigo and the adoption of two Codes and those Codes were to be the implementation of Persigo. It can be a guiding document but it may not be appropriate to look at it as "the" document. Janet Terry felt that it was the starting document in terms of how it clarifies.

Commissioner Genova related that there needs to be a very clear understanding of how many "boundaries" there are. Janet Terry related that the next discussion should not be the Codes but rather what the policy is and what we want it to be, and if it is not clear how to spell it out.

Cindy Enos-Martinez set the next meeting for February 25, 2002, at 7:00 p.m., at Two Rivers.

ADJOURNMENT

There being no further business to come before the two bodies the meeting was adjourned at 9:00 p.m.

Monika Todd
Mesa County Clerk and Recorder

Roberta Raley,
Clerk to the Board

Kathryn H. Hall,
Chairman

(Verbatim tapes of the Commissioners' Proceedings of January 30, 2002, are on file in

the Mesa County Clerk's Office.)