

**CITY OF GRAND JUNCTION CITY COUNCIL  
and  
BOARD OF COUNTY COMMISSIONERS FOR MESA COUNTY**

**JOINT PERSIGO SPECIAL MEETING  
APRIL 24, 2003**

City and County representatives met at 1:30 p.m. on April 24, 2003 at Two Rivers for a tour of the area around 21.5 and H Roads and 22 and H Roads. The meeting convened at Two Rivers Convention Center in the Adobe-Escalante Room immediately following.

County Commissioner Chair Jim Baughman called the meeting to order at 2:35 p.m. and introduced his fellow Commissioners Doralyn Genova and Tilman Bishop.

President of the Council Cindy Enos-Martinez introduced her fellow Councilmembers Jim Spehar, Dennis Kirtland, Harry Butler and Bill McCurry. Also present was Council-elect Gregg Palmer. Councilmembers Janet Terry and Reford Theobald were absent.

Also present were City staffers City Manager Kelly Arnold, City Attorney Dan Wilson, Public Works and Utilities Director Mark Relph, Community Development Director Bob Blanchard, Utilities Manager Greg Trainor, Utilities Engineer Trent Prall and City Clerk Stephanie Tuin. County staffers present were County Administrator Bob Jasper, County Attorney Lyle Dechant, Planning Director Kurt Larsen, Public Works Director Pete Baier, Planner Keith Fife and Clerk to the Board Bert Raley. Also present was Larry Beckner, attorney for several Special Districts.

**1. REVIEW OF PREVIOUSLY APPROVED MINUTES OF OCTOBER 14, 2002**

The Commissioners and the Council acknowledged that they have previously approved their respective minutes.

**2. SEWER VARIANCE PROCEDURE**

A request to change the Wastewater Regulations regarding a variance procedure in residential areas.

Mark Relph, Public Works and Utilities Director, introduced the first discussion item. He noted that the sewer regulations were written some time ago and that two incidents have come up where it seemed appropriate to waive the sewer hook-up

requirement, but the current regulations do not allow such variances. He suggested there are two options for the governing boards to consider: change the Persigo Agreement at the next annual meeting or the City can amend the existing sewer regulations. If the sewer regulations are to be amended, then some criteria should probably be developed.

Commission Chair Baughman asked Mr. Relph to review the situation in more detail for new Commissioner Tilman Bishop, which he did. Councilmember Kirtland noted that the Council felt that it was only right to discuss it with the Commissioners. Chairman Baughman asked why this situation exists when the two bodies tried to delete all properties that would not logically hook onto to sewer from the 201 boundary. Mr. Relph noted that large and obvious areas were deleted. Large (infill) type lots that are split could not practically be taken out.

Mr. Relph noted that if such a variance is granted, he would suggest that the petitioner sign a Power of Attorney for a sewer improvement district and pay for that up front. The requirement to install dry sewer lines is also a possibility.

Both bodies agreed not to make the variance procedure too complicated or drawn out time-wise for the petitioner.

It was added by Community Development Director Bob Blanchard that the Zoning and Development Code would also have to be amended and the issue would go before Planning Commission before final adoption with City Council.

Commissioner Bishop asked procedurally how things are decided. County Administrator Bob Jasper advised that both bodies will vote separately.

City Manager Arnold said there is a consensus so Staff will work out the details and bring back the amendments to the next meeting.

### **3. REQUEST FOR DE-ANNEXATION AND 201 BOUNDARY CHANGE**

Doyle Files has requested exclusion from the 201 District.

Utilities Manager Greg Trainor explained the request and the history of the request. The Files want to de-annex the portion of their property north of Monument Road and then they can develop through the County process. The question is whether or not it would ever be served by sewer. Because of adjacent public lands, topography, zoning and distance to existing sewer lines, the chances are pretty slim. Existing sewer is about two miles away in each direction, so it would not be economically feasible. It is Staff's opinion to leave the 201 boundary as is and have the Files petition to de-annex.

Commissioner Chair Baughman asked if one option is to leave the piece north of Monument Road within the 201. Mr. Trainor answered affirmatively and it could be

served with sewer, but more likely it would need a variance if the owners want to build on it.

Chairman Baughman thought there were other properties north of Monument Road that should also be taken out of the 201.

Mr. Trainor advised that Mr. Files has also mentioned trading an access agreement for that triangular piece of his property north of Monument Road.

Mr. Trainor clarified the options. 39.8 acres are not in the 201 boundary but are in the City. It is suggested that the 201 boundary stay the same and then the City must decide whether to de-annex. Another option is to take the ½ acre triangle north of Monument Road out of the 201 boundary and the City can decide on de-annexation.

Commissioner Doralyn Genova moved to de-annex the Files property from the 201 boundary. Commissioner Tilman Bishop seconded. Motion carried.

Councilmember Spehar moved same motion, Councilmember Kirtland seconded. Motion carried.

#### **4. PROJECT UPDATES:**

##### **1. Bio-solids.**

Pete Baier, County Public Works Director, reviewed this item. Current practice is to dispose of biosolids at the landfill. It is becoming an issue as there is an increasing methane problem and biosolids produce methane when mixed with garbage. Other options are being pursued. Mr. Baier listed the options: 1 – do nothing, 2 – pre-dry the solids, 3 – privatize disposal, and 4 – examine new ways of integrating the solids into composting. The trial of integrating the biosolids into the composting program was met with neighborhood resistance. Option 1 will not be an option forever with the growth. Option 2 – pre-dry the solids - will have capital costs and may meet with neighborhood resistance for this process. Option 3 – there are no private companies available right now. With composting programs being successful in other communities, Staff is recommending going forward on option 4.

Commission Chair Baughman recalled that an organization (People Organized Against Odor Pollution a.k.a. “POOP”) had opposed this plan. Mr. Baier agreed and said the result is that Staff needs to work with that group and others in

Orchard Mesa to work out a solution. Mr. Baughman noted that relocating the composting site was one idea. Mr. Baier said correct, also using it for animal waste. Another thought is to mix it up quickly to cut down on the odor. Councilmember Kirtland asked about a business plan and budget for this program. Mr. Baier said that has not been done but a consultant has

approached the Staff. Mr. Trainor said a considerable amount of study has been done on the cost to pre-dry the biosolids at the plant. The compost is the least cost alternative and Staff would like to explore that option first. Commissioner Bishop asked about time frame to correct the situation. Mr. Trainor said the landfill wants the biosolids removed from the co-mingling operation within the next two years. County Public Works Director Baier estimated \$15,000 to \$20,000 will be needed from the Persigo Fund to get the process going.

Councilmember Spehar suggested they go forward and try this approach, getting consultants on board.

City Manager Arnold suggested that Staff be directed to pursue option 4 with a report back by July, 2004 or sooner.

County Administrator Jasper said landfill has the funds, but since it's a mutual problem, a partnership with the two funds is appropriate. He noted both funds are enterprise funds.

Commissioner Genova moved to approve a study as outlined in Option 4 to be done by a joint City and County staff, and associated components in Option 4, and have a report back by July 2004. Commissioner Bishop seconded. Motion carried.

Councilmember McCurry made the same motion, Councilmember Spehar seconded. Motion carried.

## 2. Grease and Septic Waste.

Utilities Manager Greg Trainor reviewed the status of privatizing grease disposal. There is a private party currently trying to open such a disposal plant and is in the review process. He can then accept grease from the restaurants. If he is not approved, then the City will go forward in installing a grease collection system at the wastewater treatment plant.

Commission Chair Baughman asked about the previously mentioned approved site south of Mesa County. Mr. Trainor answer that this applicant is the only one that has gone forward with his proposal. The site near Delta is accepting grease and people can still use him but this new facility will be cheaper.

Councilmember Spehar expressed concern that the City is still waiting and not taking any action for their facility. Mr. Trainor said the State says it is not an issue as long as they are pursuing a solution. The treatment plant is not in violation at this time.

Public Works & Utilities Director Mark Relph advised that the standard is a little soft and the State is willing to work with the plant management, as long as Mr. Kettle (the applicant) is going forward. The decision should be known by the end of summer.

Commissioner Bishop asked about the location of the proposed site. Utilities Manager Trainor answered that it is to be located at I-70 Business Loop and 33 Road.

Chairman Baughman asked why the grease can't be taken to the landfill. Mr. Baier thought the cost per weight would be prohibitive. They have not looked at developing a disposal site at the landfill since a private individual is pursuing it.

Councilmember Spehar reiterated the same question. Commissioner Genova thought there needs to be two options so when they review the petitioner's C.U.P. they are not pressed to approve because of an immediate need to dispose of the grease. Commissioner Bishop suggested a disposal site with the lease option to the petitioner. Commissioner Genova wanted to have something on the alternatives by July.

3. Central Grand Valley, Orchard Mesa and Fruitvale Special Sanitation Districts.

Public Works & Utilities Director Mark Relph updated everyone on the progress being made. They are developing a mechanism that will encourage the Special Districts to invest in their districts. Dissolution of the Districts has also been discussed with a longer time frame of 7 to 9 years.

County Administrator Jasper gave the background of this issue for the benefit of Commissioner Bishop. Since the thought is that eventually all of the Special Districts will eventually be part of the City, it is in the best interest of everyone to solve the infiltration problems and other issues. Mr. Larry Beckner, attorney for these Special Districts, said he has been working on that proposal. He represents all three boards and they will have to each take it to their voters. It is the goal of those boards to put substantial capital improvements into those systems so when the City takes over there will not be infiltration problems. Fruitvale Sanitation District has not had a big capital improvement program; most of that system is already in the city limits and has rates lower than the city. Chairman Baughman added that Fruitvale Sanitation District is debt-free.

Commissioner Genova noted Central Grand Valley Sanitation District is debt-free also.

Mr. Beckner said his proposal is an annual distribution to the Special Districts for capital improvements based on EQU's. Councilmember Spehar asked if the standards being done for the design are up to City standards. Mr. Beckner said that City standards are the minimum they are requiring. Mr. Beckner concluded by saying his draft proposal will be submitted to the Staff in the next few days.

d. Clifton Sanitation District #2.

The City has received a proposal from the Clifton Sanitation District #2 that will eliminate their treatment process and responsibility. Commissioner Genova asked Mr. Beckner to ensure their users that this proposal is being pursued by their board not the City or the County.

**e. 201 BOUNDARY ADJUSTMENT**

Request to adjust boundary in the 21.5 and H Road and 22 and H Road areas.

Chairman Baughman noted that the boards went on a field trip to the area being discussed.

Planning Director Kurt Larsen reviewed this item. He is recommending that the two areas be brought into the 201 area. Staff is recommending moving forward with the public hearing process.

Commissioner Bishop asked for further clarification on advantages and disadvantages of bringing the properties into the sewer service area.

Mr. Larsen said it is an opportunity to provide sewer to the area. Chairman Baughman voiced concern that if these areas are brought in, surrounding owners will fear further expansion in that area. Mr. Larsen said the City has indicated that there is capacity at the treatment plant for the indicated areas but not for further expansion.

Councilmember Spehar agreed that there should be no further expansion, as did Chairman Baughman. Councilmember Kirtland said the County would be in the role of saying no to those adjacent property owners who want to develop. Councilmember Spehar used his aunt's property as an example and would want to hear that the answer would be no if the question was posed. Chairman Baughman noted that the area probably should have never been allowed to develop as it has but nothing can be done about that now.

County Administrator Jasper said that it is known what these properties are zoned and so they should go ahead and take them in the sewer service area. Whether or not there will be other property owners that come forward with a request to come in cannot be guaranteed. The County's property records are still not complete and accurate.

City Manager Arnold asked if they expand the boundary and another property crops up, if the County would be inclined to turn it over to this group for Persigo discussion prior to considering rezoning. He thought any adjacent property should have the zoning shown

unless something comes forward that is different, then it will be brought back to this joint body first.

Chairman Baughman said the County considers existing zoning as sacrosanct. If the property is outside the 201 and annexation is not triggered, then it will go through just the County review process.

Councilmember Spehar noted that when there are land use changes in the County, the City sends a letter and that is all that happens.

City Attorney Wilson suggested running a title search on those adjacent properties and if nothing comes up for the search, the concern about these unknowns is lessened. The County could then hold a zoning hearing and make it the zoning as shown.

County Administrator Jasper agreed that the title search could be done for just this area to alleviate any of the Commissioner's concerns.

Commissioner Genova thinks this area needs to be in the 201 for health and safety issues and if others develop they too need to come in. Chairman Baughman said he wants the County planning department to investigate this area more before making the decision.

Commissioner Bishop moved to proceed with the recommendation on the memo dated April 24, 2003 to proceed with the formal hearing process to consider extension of the 201 boundary to include those properties zoned for commercial and industrial uses and four parcels of land zoned AFT as identified on the maps. Commissioner Genova seconded. Motion carried.

City Manager Arnold reiterated that a title search be conducted on the adjacent properties and get them clearly defined.

Councilmember Kirtland made the same motion. Councilmember McCurry seconded. Motion carried.

## 6. PROCEDURAL ISSUES WITH THE PERSIGO AGREEMENT

Chairman Baughman referred to Council President Enos-Martinez's letter to former Commissioner Kathy Hall. The questions posed in the letter referred to development application in the joint planning area (in the "donut"), commercial development in that area and how to resolve disagreement in the interpretation of the Persigo Agreement.

Commissioner Bishop asked that this discussion be put off till the July meeting as it has not been discussed amongst the Commissioners.

Council President Enos-Martinez asked that it be addressed as soon as possible. Commissioner Genova did not disagree, noting that the Commissioners hold in high regard existing zoning and do not formally adopt Master Plans.

Councilmember Kirtland suggested the Commissioners focus on the agreement itself.

Commissioner Genova excused herself from the meeting at 4:50 p.m.

City Manager Arnold suggested that what was done in the previous item at this meeting really laid groundwork for resolving question #2 relating to commercial development in the joint planning area. He said the Staff can look at different areas that might be similar and work on those areas.

County Administrator Jasper countered that he was hoping for a broader range discussion. The Persigo Agreement addressed some big picture items. He questioned whether the Council was suggesting reopening the Persigo Agreement. Chairman Baughman stated that although there have been some minor conflicts with the Persigo Agreement, overall it has served the City and the County well and accomplished its purpose.

Councilmember Spehar agreed and noted it would behoove them to work it out.

Commissioner Bishop said no agreement is perfect and it is his experience that in opening up the whole agreement it becomes bigger. Mesa County may have something to discuss with Council too. He would prefer to keep the discussions specific.

Mr. Arnold said the question may be if the Persigo Agreement is the overriding document or what a title from 1947 says. Chairman Baughman responded that outside the joint planning area, it is the County's responsibility.

County Administrator Jasper called upon the joint bodies to build on successes noting the valley is going to grow and the agreement may not work ten years from now.

Planning Director Larsen advised that some commercial activities are allowed in AFT with a conditional use permit and those uses may not be appropriate for city. City Manager Arnold asked Mr. Larsen to identify those areas. County Administrator Jasper used campgrounds as an example.

Councilmember Butler inquired if the County wants to zone something commercial and then asks for it to be brought into the 201 boundary. Mr. Jasper noted that the Board of Commissioners agrees that industrial/commercial should be in the City, where the Board would have never suggested the City annex those in the past. They won't approve a development and then ask that it be annexed. Councilmember Spehar

cautioned that the two bodies should not let a couple of issues get in the way of working together.

Councilmember McCurry excused himself from the meeting at 5:10 p.m.

City Manager Arnold said he would like to see these small issues resolved. He then asked about what the governing bodies are going to do with the Pear Park area. Chairman Baughman advised that with the build out occurring, there will undoubtedly be a push for commercial in that area. City Manager Arnold agreed that the City and County need to work together to resolve these issues.

## **7. AGENDA FOR THE ANNUAL PERSIGO MEETING IN JULY**

The two bodies decided that the Annual Persigo meeting will be tentatively scheduled for Thursday, July 10<sup>th</sup>.

## **8. OTHER BUSINESS**

There was none.

## **9. ADJOURN**

The meeting was adjourned at 5:17 p.m.

Stephanie Tuin, MMC  
City Clerk