

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

**ANNUAL JOINT PERSIGO MEETING
AUGUST 12, 2004**

Call to Order

The Grand Junction City Council and the Mesa County Commissioners met at 11:30 a.m. on August 12, 2004 at Two Rivers Convention Center, 159 Main Street, for the Annual Joint Persigo meeting.

County Commissioner Chair Doralyn Genova called the meeting to order at 11:37 a.m. and introduced her fellow Commissioners Tilman Bishop and Jim Baughman.

President of the Council Bruce Hill introduced his fellow Councilmembers: Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Gregg Palmer and Jim Spehar. Councilmember Bill McCurry was absent.

Also present were City staffers City Manager Kelly Arnold, City Attorney John Shaver, Public Works and Utilities Director Mark Relph, Community Development Director Bob Blanchard, Utilities Manager Greg Trainor, Wastewater Treatment Superintendent Dan Tonello, Management Intern Seth Hoffman, Assistant to the City Manager Sheryl Trent, Planning Manager Kathy Portner, Utilities Engineer Bret Guillory and City Clerk Stephanie Tuin.

County staffers present were County Administrator Bob Jasper, County Attorney Lyle Dechant, Assistant County Attorney Valerie Robison, Planning and Development Director Kurt Larsen, Public Works Director Pete Baier, Long Range Planning Director Keith Fife and Clerk to the Board Bert Raley.

Public Hearing on Expansions and Deletions to 201 Sewer Service Area Boundary

Greg Trainor, Utilities Manager, reviewed how various affected parties were notified. A few individuals were heard back from and some stated they did not receive the notice.

He then summarized the areas to be considered for deletion.

F 1/2 Road and 31 Road, owned by Foraker, Kerr and Arnhold. This property is not in any other sewer service area. The proposal is to allow this property to be annexed by Clifton Sanitation District No. 2, to be served by them and delete it from the 201.

An area near F Road and 31 road (Cornerstone Christian School). This property could also be served by Clifton Sanitation District No. 2 (and is) so it can be deleted from the 201.

Commissioner Baughman noted that this property is bordered on three sides by the Persigo 201 boundary so he questioned how Clifton Sanitation District No. 2 serves this property. Utilities Manager Trainor responded it is served via the northeast corner of the property.

Council President Hill asked if there is any history on how the school got connected to Clifton Sanitation District No. 2 in the first place. Mr. Trainor did not know the history and no one was present to elaborate.

City Manager Arnold suggested that these two properties be addressed and if there is to be any action, to take care of that.

Councilmember Palmer inquired if the properties are part of the City. Mr. Trainor answered no. Councilmember Palmer noted that at some point the area may be enclaved by annexation. County Administrator Jasper clarified they will not ever be completely enclaved.

Commissioner Bishop felt the deletions are in the best interest of the entities and the citizens so recommended the governing bodies go forward with the deletions.

The public hearing was opened at 11:53 a.m. Council President Hill asked for public comments.

Chuck Slothower, Sunshine Construction and Development, addressed the first property and stated that the property will be accepted by Clifton Sanitation District No. 2 if deleted from the Persigo 201 and that will allow the owners to build on both parcels. He noted that Clifton Sanitation District No. 2 wants to build a new plant and will do so eventually.

There were no other comments.

The public hearing was closed at 11:55 a.m.

Councilmember Spehar moved to delete as proposed from the 201 the two properties as described. Councilmember Enos-Martinez seconded. Motion carried.

Commissioner Bishop moved to approve the request for changing the boundary lines as proposed from the 201 Persigo sewer service area boundaries removing the two areas. Commissioner Baughman seconded. Motion carried.

**I Road and 26.5 Road (Manor LLC)
(Addition to 201 Sewer Service Area Boundary)**

Utilities Manager Trainor reviewed this item. This property is located directly north of the Grand Vista Subdivision, the existing City limits and the 201 boundary. The Growth Plan Future Land Use Map designates this property Rural, 5 to 35 acres per dwelling unit. The North Central Valley Plan map shows this property located within an area termed “Joint Urban Plan Uses” implying future urban development. If development were to be considered at any higher density, both a Growth Plan Amendment and rezoning would be required (the property is currently zoned AFT) along with subdivision approval. A small portion of the property, located in the northeast corner, is in the Airport Critical Zone. No development will be allowed in this area.

The owners want to put 30 homes on this property. Mr. Trainor addressed the sewer availability. It is available; they have looked at capacity of the nearby lines, of the basin and of the plant. The basin has capacity for about 400 more homes.

Kurt Larson, County Planning Director, supports the request but development will require a Growth Plan Amendment and a Rezone.

Councilmember Kirtland discouraged further discussion on the plan as a vote for inclusion might give the perception of approval for the subdivision. City Attorney Shaver agreed but clarified that the number of lots is pertinent to the impact on the capacity of the sewer plant.

Councilmember Enos-Martinez inquired if any petition for annexation has been received at this point. Utilities Manager Trainor replied there has not.

The public hearing was opened at 12:02 p.m.

Bill Ballast, project engineer, said they understand there are additional procedures to be completed before development can take place and they will pursue them if this inclusion is approved.

There were no other comments.

The hearing was closed at 12:03 p.m.

Commissioner Baughman noted there is sufficient capacity in the interceptor lines, and in the plant, and the property is adjacent to the 201 boundary. Both Staffs support the request so it makes sense to include it. Commissioner Bishop concurred.

Utilities Manager Trainor advised that Pamela Fox, an adjacent property owner has made contact and also asked for inclusion. Her properties are directly to the west. It was noted that Ms. Fox would have to request inclusion through the normal process and be heard at a later date.

Councilmember Kirtland moved to include the I Road and 26.5 Road property in the 201 Persigo Sewer Service boundary. Councilmember Enos-Martinez seconded. Motion carried.

Commissioner Baughman moved that the Manor LLC property be added to the Persigo 201 boundary. Commissioner Bishop seconded. Motion carried.

**West of 25 Road, North of I-70 (First Assembly of God, petitioner; property owner Carley Peach)
(Addition to 201 Sewer Service Area Boundary)**

Utilities Manager Trainor reviewed this request from First Assembly of God Church. The original request had more property than being proposed today. Gay Johnson and Starley Hatch have both indicated they do not want their properties to be included. Sandra Van Gilder said she did not care one way or the other. Edmund and Monique Brown did not respond to the notice. This area is located directly north of Interstate 70, east of the Grand Valley Canal and west of 25 Road. In talking to the Church, they have not done studies to see how they will get sewer to the property. They first wanted to see if it could come into the 201 boundary before spending money on engineering the line. In regards to capacity, basin studies show sufficient capacity at the plant and in nearby sewer lines. However, the closest line is 900 feet south, south of the interstate and south of the Grand Valley Canal. Sewer was extended to Appleton School (as approved in 1999) due to a failing septic system. Some neighbors also wanted sewer, but some did not, so the City and County narrowly identified the extended area due to the mixed feelings of the neighborhood.

Commission Chair Genova noted that Starley Hatch is her first cousin but she has not spoken with him nor has he contacted her on this. She will not have any financial gain and therefore she will not exclude herself from participating. Both boards concurred.

City Community Development Director Bob Blanchard advised that some growth plan amendments in that area have been denied. Typically they look at changed conditions in the area and there have been none that would warrant any amendments. It is Staff's opinion that any amendment would require a more detailed study.

The public hearing was opened.

Sandra Van Gilder stated that Carley Peach, one of the owners, is her mom. She advised that further studies would have to be done by the Church before this can go forward. Mr. Trainor concurred, specifically whether and how they can hook up. It was the opinion of Staff that they need to make sure the sewer can really happen before a Growth Plan Amendment is done. Ms. Van Gilder saw no reason for the Church to conduct the study if they could not be included in the 201 boundary.

Councilmember Spehar clarified that the question is whether a study needs to be done first before expanding the boundary or vice versa.

Ms. Van Gilder expressed that the approval does not have a cost whereas the study does so she felt the boundary approval should be first.

Council President Hill recognized the dilemma and suggested that any approval be conditioned on the study.

Councilmember Enos-Martinez inquired if development could take place without sewer. Mr. Trainor answered they could request septic, it would depend on the density.

Jim Harper said his mother-in-law owns property south of this parcel (south of the interstate) within the 201, and the Church will need to negotiate an easement through her property for the line. He supported the study prior to inclusion. Mr. Trainor noted that Mr. Hatch had similar concerns. Mr. Harper said that way they can be assured that any line across their property serves the amount of density they may want.

John Davis, a developer, noted that if there is capacity, then it is just a matter of money on how they get there.

Council President Hill asked for additional public comments.

Tom Sharpe, a real estate broker working for the Peaches, stated there is no sense spending money on a study unless the property can be included in the 201 boundary.

There were no other comments. The hearing was closed at 12:23 p.m.

Councilmember Kirtland expressed concerns regarding the impact on the collection system south of interstate. Utilities Engineer Bret Guillory stated a more comprehensive basin study for this basin, including the capacity at the plant and the existing infrastructure that may be needed depending on the density requested, should be required.

Councilmember Kirtland noting the possibility for a larger study and that the capacity of existing line may be insufficient, plus extending further north of interstate, made this request premature in his mind.

Councilmember Spehar concurred adding that once the line is extended in that area, there will be development. He urged the two bodies to say no and preserve the area for larger parcels, keeping development south of I-70. Although he appreciates the Church's needs, there are already areas for this kind of use. He felt they should adhere to current land use plans and not encourage higher densities in this area.

Commissioner Baughman agreed although he understands the reason for the request. At some point the area north of I-70, between 24 Road and 27 Road, may need to be

included but he felt it would be a mistake to take just one parcel. Commissioner Bishop also agreed and encouraged the neighborhood to get together and see if they want to be included as a whole.

Councilmember Kirtland moved to deny the request for addition of this area, west of 25 Road, north of I-70. Councilmember Spehar seconded. Motion carried with Councilmember Butler voting NO.

Commissioner Baughman moved to deny the request for inclusion in the 201 area of the property west of 25 Road and north of I-70 from First Assembly of God Church, property owned by Carley Peach, as it is premature. Commissioner Bishop seconded. Motion carried.

**2366 H Road (Fred Cunningham, property owner)
Addition to 201 Sewer Service Area Boundary**

Utilities Manager Greg Trainor reviewed this request. The property is owned by Fred Cunningham, 2366 H Road, and is also in the Appleton area, between 25 ½ Road and 26 Road. This property is currently bisected by the 201 boundary. There is sufficient capacity in the plant. There is infrastructure available. Again, the neighborhood is divided on extending sewer into the area.

Utilities Engineer Bret Guillory again recommended a basin study due to the density being planned for. County Planning Director Kurt Larson noted that the service line to the school is narrow and the area plan does not include further sewer extensions.

The public hearing was opened at 12:40 p.m.

Rich Livingston, representing the applicant, said there is a conundrum with only a portion of the property in the 201. Sewer is within 400 feet. Under the Persigo Agreement, the owner will have to apply to the City and be annexed for the south half of the property and by State Law connect to the sewer system. The north half of the property is outside the 201 and would go through the County process and be on septic yet both the City and County have a program to eliminate septic systems whenever possible. Furthermore, if one portion of the property is annexed, State Law requires the whole parcel be annexed. The owner does not want to change land use designation or zoning, he only wants to develop at the current zoning which is one unit per two acres. Mr. Livingston said there is no reason not to include the whole parcel.

Commissioner Baughman inquired how long the current owner has been there. Mr. Livingston responded forever but he has the property under contract.

Trevor Brown, also representing the property owner, said the property could possibly support 7 units. They are not asking for any more capacity. As it stands, the parcel could be annexed and then a variance granted for the northern parcel to develop outside the 201.

There were no other comments and the public hearing was closed at 12:45 p.m.

Councilmember Kirtland asked if the property could be annexed but not included in the 201. City Attorney Shaver said they could but to what benefit. Such action would create an artificial boundary.

Councilmember Spehar said it is a matter of public policy – maintaining the original intent, preserving land use and planning. He suggested it remain as is and then the property owner can request a variance for the area outside the 201 boundary. That way they maintain the planning process done with the neighborhood.

Councilmember Enos-Martinez noted there is no guarantee a variance would be granted.

Commissioner Baughman stated that the Persigo Agreement stipulates that the City cannot annex outside the boundary for ten years from the date of the Agreement.

City Attorney Shaver advised that State Law would control the annexation process.

Commissioner Genova said to preserve the integrity of the Persigo Agreement, they must make a change.

Utilities Manager Trainor noted there are other properties split by the 201 boundary.

Further discussion took place with other options being laid out including an agreement allowing the Commissioners to consent to the exception, to change the boundary and then set in motion the study to involve the whole area, amend the boundary to take in the property, structuring the amendment to limit the density to the current density, a conditional amendment, and the Commissioners allowing it to be annexed.

Mr. Livingston noted that as far as the public is concerned, they see no difference between a variance and an amendment. There is no public objecting to the amendment and it addresses health and safety issues.

Councilmember Spehar said the difference is the public policy statement. A variance only adds one step to the process. They solved an existing public health problem when sewer was extended to the school.

Commissioner Bishop said he understands the two sides and suggests further study and have Staff come back with more information. He asks his fellow Commissioners how they would feel about letting the City annex. Chair Genova and Commissioner Baughman favored a boundary adjustment to allow for an annexation.

Councilmember Palmer agreed they should recognize the error and correct it.

Councilmember Spehar stated that the boundary line placement was not arbitrary; the property is 700 feet from the existing sewer. The boundary line was not an error, it was a conscious decision.

Councilmember Palmer moved to amend the 201 boundary to include the Cunningham property at 2366 H Road that currently lies outside the boundary. Councilmember Enos-Martinez seconded. Motion carried with Councilmembers Spehar and Kirtland voting NO.

Commissioner Bishop moved to amend the 201 boundary to include the property at 2366 H Road. Commissioner Baughman seconded. Motion carried.

Commissioner Bishop suggested Staff look at the other properties in that area that are split. Councilmember Palmer added that Staff should start the study for the entire basin.

**2322 I-70 Frontage Road (GPD Global, property owner)
Addition to 201 Sewer Service Area Boundary**

Utilities Manager Greg Trainor reviewed this request, noting that the property is the northeast corner of I-70 and 23 Road. The property owner also owns property to the east that is within the 201 boundary. The property in question is currently zoned commercial, is designated as such in the Growth Plan. Although it might be difficult to get sewer to the property, plant capacity is sufficient for this development to be included.

Councilmember Kirtland inquired why this property was excluded. Mr. Trainor responded that previously there had been no requests or interest to be included.

The public hearing was opened at 1:20 p.m.

Sven Wedekin, Vice President of GPD Global and property owner, said he acquired property in early 90's. It is currently on septic, but he is willing to participate in the extension of the sewer if the property is included in the 201 boundary.

There were no other public comments and the hearing was closed at 1:21 p.m.

Councilmember Spehar said this request for inclusion makes sense, subject to the studies needed as indicated in the report. Commissioner Baughman agreed.

Councilmember Spehar moved to approve the addition of the GPD Global property at 2322 I-70 Frontage Road to the 201 subject to the feasibility studies. Councilmember Palmer seconded.

Council President Hill asked if the motion meant the property will not be included in the 201 until the study is completed. Councilmember Spehar said no, it will be included in the boundary but they will need to complete study in order to hook up to the system.

Motion carried.

Commissioner Baughman moved to add property as depicted in Exhibit 6 (2322 I-70 Frontage Road, GPD Global Property). Commissioner Bishop seconded. Motion carried.

Reports

Utilities Manager Greg Trainor introduced Wastewater Services Superintendent Dan Tonello.

Grease Handling and Biosolids Composting

Dan Tonello presented a PowerPoint presentation on the pilot programs with the composting of sludge at the Mesa County Landfill and on the grease treatment and disposal.

County Administrator Bob Jasper noted that a few years ago the City and County did not have any options for getting rid of this waste (grease and offal waste) yet now they have several options. Besides the project at the landfill, there is now a private handler.

It was noted that the treatment plant had two grease violations in 1997, and is now getting close to exceeding capacity again.

Commissioner Chair Genova and Commissioner Baughman had to leave the meeting at 1:45 p.m. Commissioner Bishop stayed.

Mr. Tonello explained the current grease disposal process. It is an inefficient process. The treatment plant is looking at a piece of equipment that allows the tank hauler to separate the grease that will be disposed of at the landfill. If it works, it could take the City/County into the future. However, there are some problems with the device so they are looking at other possibilities.

City Manager Kelly Arnold noted that Staff was told to fix this problem last year. One of the problems was Persigo was charging below-market rates for grease disposal. On January 1, the rates were increased to match the market thus creating a competitive market for a private handler to compete. The plant will continue to seek other solutions. Plant Superintendent Tonello agreed that the rate increase helped boost the business for the Deer Creek facility in Delta, the only existing private handler.

Commissioner Bishop supported encouraging the private sector and letting that market drive the business. Councilmember Spehar cautioned that at present there is only one

outside alternative and they must be prepared to handle the situation if that is no longer available.

Updates and Questions

Written reports were provided on the Combined Storm Sewer Elimination Project, Septic System Elimination Program, Temporary Modification and Discharge Renewal and the Duck Pond Lift Station Replacement.

Public Works and Utilities Director Mark Relph only needed direction on one item, the Duck Pond Park Lift Station Replacement. It now looks like they may be able to design the system for a gravity feed rather than replace the lift station. The cost benefit analysis showed the two alternatives to be about equal. They are still weighing the two and want to come back to both bodies with the ultimate recommendation later in the summer.

City Manager Arnold urged that project to be coordinated with the Parks and Recreation Department as there may be some CDBG improvements planned for that area.

Councilmember Kirtland asked that the City and County combined staffs work on the study for north of I-70 and west of the airport and relation to the HDR study (Comprehensive Wastewater Basin Study). He asked when the last update was done to the HDR study to which Utilities Engineer Bret Guillory responded 1997 but these areas were not a part of the update.

County Administrator Bob Jasper asked that the governing boards give direction to get back together in a couple of months to look at the north area again. He also noted that he would like consideration of inclusion for the Job Site area again, focusing on the industrial development there. At some point, the governing bodies will have to deal with sewerage the existing industrial facilities.

Councilmember Spehar cautioned that they be careful not to imply any land use changes in that area; he does not want to raise that dust again. He recommended they address existing densities only.

City Manager Arnold noted they will be back to both bodies to adopt 2005 Persigo budget. County Administrator Jasper reminded them that they usually do that individually but can certainly do that together, especially if talking about other issues.

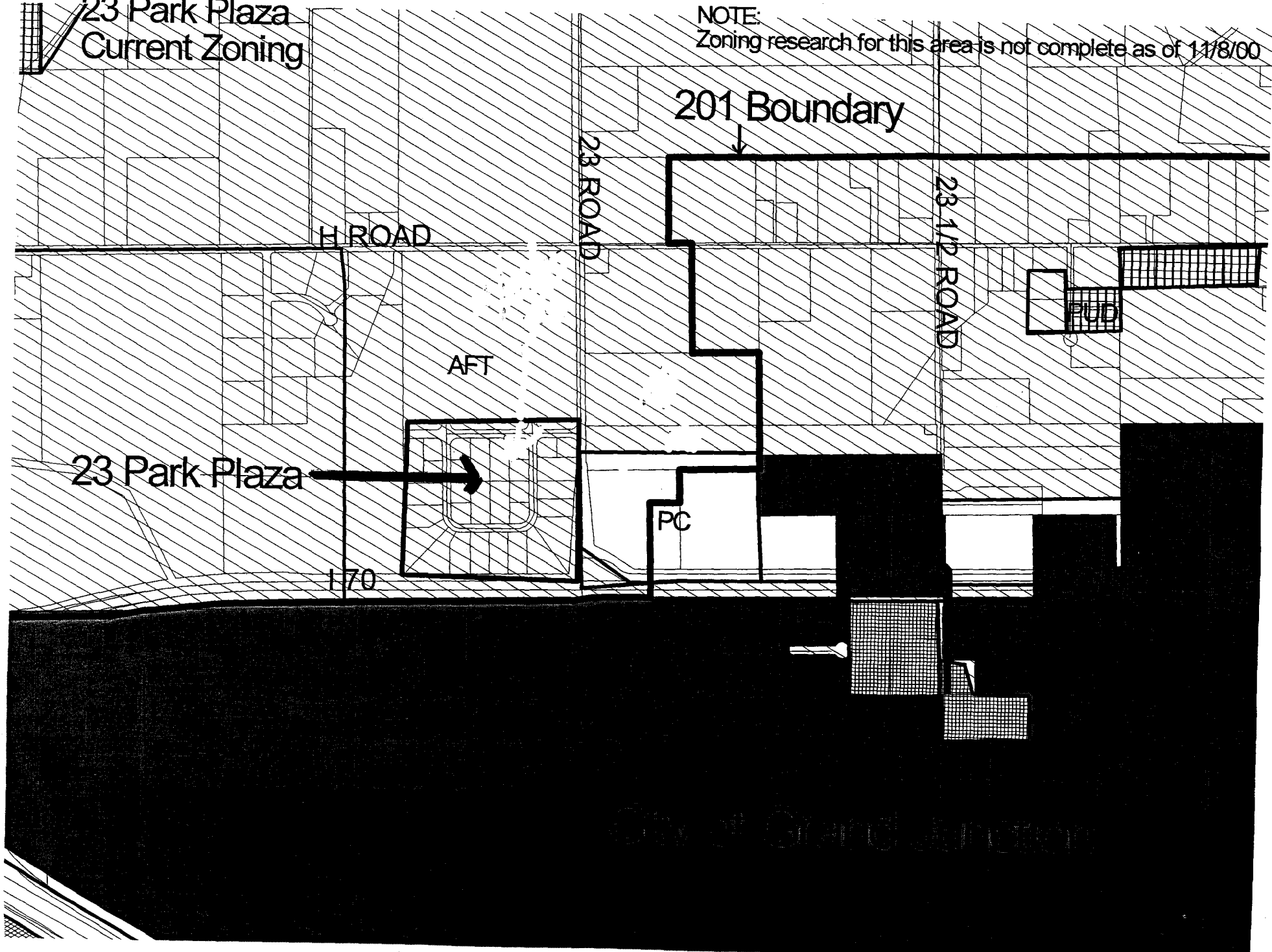
Council President Hill stated in the interest of time, he was adjourning the meeting.

The meeting adjourned at 2:00 p.m.

Stephanie Tuin, MMC
City Clerk

23 Park Plaza
Current Zoning

NOTE:
Zoning research for this area is not complete as of 11/8/00



23 Park Plaza

170

PC

AFT

FUD

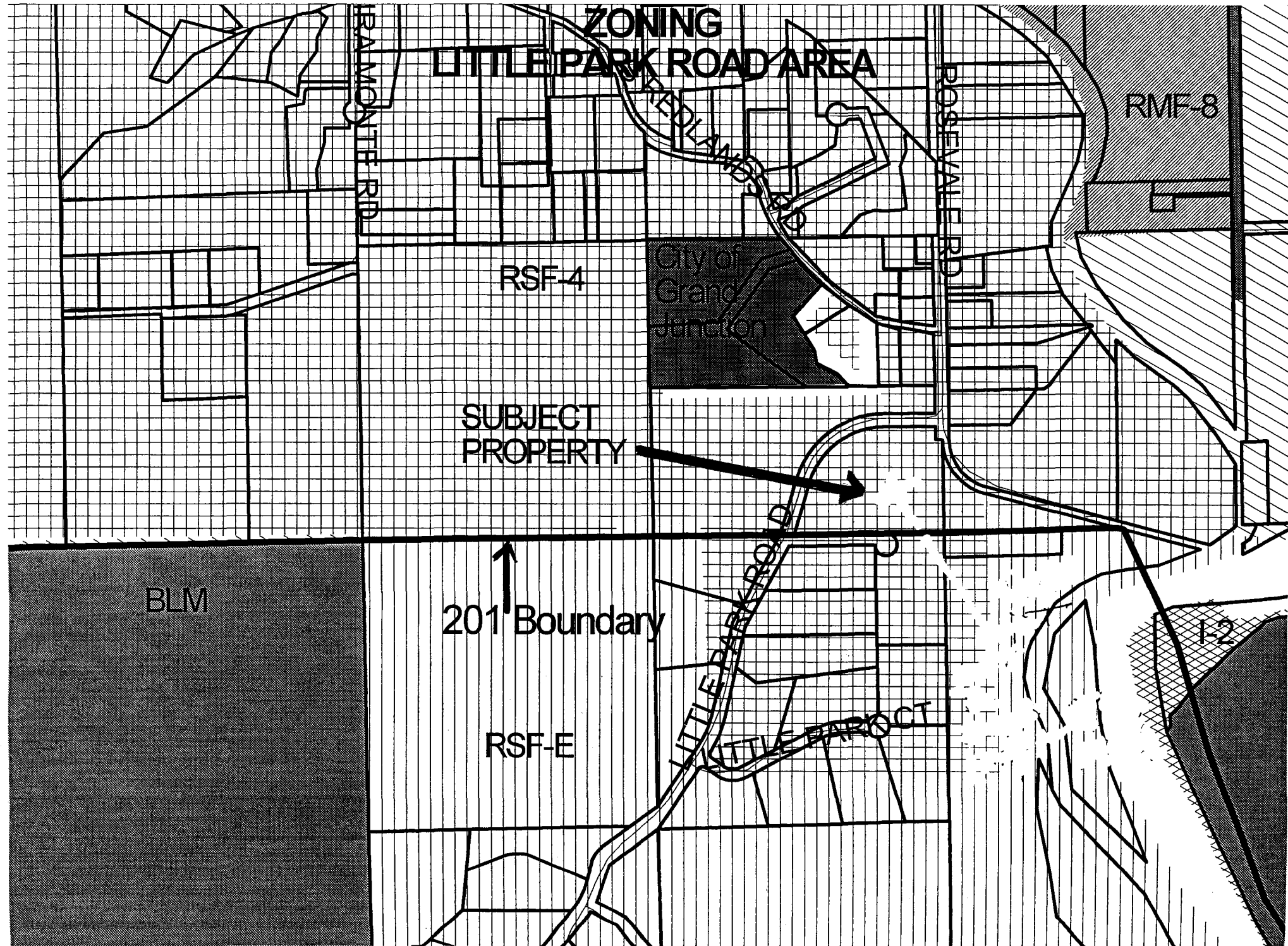
201 Boundary

H ROAD

23 ROAD

23 1/2 ROAD

CITY OF GRAND JUNCTION



"ZONING AREA UNDER STUDY"

