

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

**JOINT PERSIGO MEETING MINUTES  
MAY 10, 2010**

**Call to Order**

The Grand Junction City Council and the Mesa County Commissioners Joint Persigo meeting was called to order by President of the Council Teresa Coons at 6:00 p.m. on May 10, 2010 in the City Auditorium, City Hall, 250 N. 5<sup>th</sup> Street.

City Councilmembers present were Bonnie Beckstein, Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras, and City Council President Teresa Coons.

From Mesa County, County Commissioner Chair Craig Meis and Commissioners Steve Acquafresca and Janet Rowland were present.

Also present were City Staffers City Manager Laurie Kadrich, City Attorney John Shaver, Deputy City Manager Rich Englehart, Public Works and Planning Director Tim Moore, Deputy Director of Utilities, Streets, and Facilities Terry Franklin, Utilities Engineer Bret Guillory, Wastewater Services Manager Dan Tonello, Planning Manager Lisa Cox, Principal Planner David Thornton and City Clerk Stephanie Tuin.

County Staffers present were County Administrator Jon Peacock, Planning and Development Director Kurt Larsen, County Attorney Lyle Dechant, Long Range Planner Keith Fife, Public Works Director Pete Baier, and Clerk to the Board Bert Raley.

County Administrator Jon Peacock suggested the Board change the order of the agenda in order to allow the public present an opportunity to address those issues first.

Council President Coons asked if anyone objected to the order of the agenda being changed. There were no objections.

**Public Hearing – 135 31 Road**

Council President Coons opened the public hearing at 6:02 p.m.

Tim Moore, Public Works and Planning Director, introduced this item, noting that the applicant for the second parcel on the agenda withdrew their application.

Councilmember Pitts asked for Mr. Moore to explain the terminology of the Orchard Mesa Open Land Overlay District. Mr. Moore referred the question to County Staff.

Keith Fife, Long Range Planning Director, explained that the Orchard Mesa Open Land Overlay District is an optional development scenario that the County put in place based on an Orchard Mesa Plan that was adopted several years ago to allow people in an AFT zone to cluster their property down to 2 ½ acre density if they agree to leave half of that property in open space.

Councilmember Hill asked that a map of the 201 boundary be displayed. Mr. Moore put up the Comprehensive Plan map and indicated the location of the properties in question.

Linda Roach, 138 30 ¾ Road, and Gretchen Sigafos, 131 31 Road, stated that Ms. Roach circulated a petition in the area and has 22 names that do not want to go onto the sewer; there were six people that did not want to sign and there was one person who was not available.

Ms. Sigafos displayed a map locating the properties whose owners signed the petition that did not want to be included.

Council President Coons asked Ms. Roach and Ms. Sigafos to provide the petition to the City Clerk so that it gets entered into the record.

Jeri Stinecipher, 3113 A 1/8 Road, wanted clarification and information on what this process means. She wanted to know when, where, and how much it costs for the sewer service and what does it mean personally for the property owners.

City Manager Laurie Kadrach explained that tonight's hearing is only to consider whether the two properties should be included in the 201 Boundary. The residents coming forward may be under the impression that it is a larger area being considered. These inclusions would not affect any of the other properties in the area.

Council President Coons said that the two parcels that applied would receive sewer service, not other properties in the area. The Board is not looking at including a larger area.

City Manager Kadrach said the public hearing is for the purpose of taking comments as to whether one would support or be opposed to the inclusion of these two properties.

Don Pettigrove, 2764 Crossroads, Suite 200, noted that by including the property, it would bypass property that is not included. He asked if State Law would require those bypassed properties to connect to the sewer.

City Manager Kadrach said that it will not require connection unless those properties are developed.

Councilmember Hill noted this would be the first property that is outside the 201 Boundary and is bypassed by the sewer.

City Attorney John Shaver advised that if the bypassed property is served by a septic system and that system fails, and the sewer is within 400 feet of the property, then they would be required to connect to the sewer.

Jeri Stinecipher, 3113 A 1/8 Road, asked, if there is a sewer line within a certain distance, then is one is required to attach to that sewer line and required to pay for that connection?

City Attorney Shaver reiterated his statement noting that Ms. Stinecipher's property is well beyond 400 feet. In answer to the cost, the cost would be the property owner's cost.

Council President Coons reiterated that if the sewer line is further away than 400 feet there is no requirement to connect.

Councilmember Palmer asked, if they are required to connect to the sewer, will they automatically be annexed into the City. City Attorney Shaver said they would come into the 201 Boundary but development triggers annexation into the City.

Councilmember Beckstein asked about the property just north of the property in question, if their septic failed, would they automatically become part of the 201? City Attorney Shaver said, in that case, the Persigo Board would convene and make that decision.

Kerry Cook, 3097 A 1/2 Road, whose property abuts the property in question, asked if any owner can choose to be in the sewer boundary. He said the property in question is downhill from the sewer so it would have to be pumped uphill. He is not in favor of the inclusion.

Tom Weigel, 135 31 Road, the applicant, said he wants to eventually go onto sewer even though it would be quite expensive. Right now he would just like to be included in the 201 Boundary. He asked if his taxes would stay the same if he is included in the boundary. The cost to connect is prohibitive at this point.

Council President Coons inquired if Mr. Weigel wants the Board to continue the hearing. Mr. Weigel said he does not mind being included in the 201 Boundary for future connection as long as his taxes do not go up. He would not want to miss out being included in the 201 Boundary in the future if he were to decline now.

Council President Coons said a withdrawal would not prejudice any future consideration.

Mr. Weigel withdrew his application.

Councilmember Hill asked, if the whole area went into the boundary at once, would that reduce the cost? Mr. Moore said it would be cheaper to share the cost. He deferred to Utilities Engineer Bret Guillory for details.

Bret Guillory, Utilities Engineer, said that when estimating the cost, he used the Comprehensive Plan as a basis. To serve just the house, it would be less. To avoid

having a lift station to serve the whole parcel, the line would have to be deeper and would cost more. If looking at serving the whole area, the line would be from a different direction due to the topography.

Commission Chair Meis asked where existing infrastructure for the Persigo line is. Mr. Guillory said from the northwest, Hawk's Nest is the closest sewer infrastructure to the Rooks property, and to the Weigel property, the closest infrastructure would be the Valle Vista outfall.

Council President Coons advised those present that the public hearing is closed since the applicant withdrew, therefore there is no need for additional comment for the subject property.

### **Public Hearing – Southeast Corner of 30 and A ½ Roads**

Council President Coons inquired about the second application. County Administrator Peacock advised that the applicant did withdraw their application.

### **Future 201 Sewer Service Area Boundary Adjustments**

#### **Introduction and Discussion – Post Comprehensive Plan Adoption**

Commission Chair Meis noted that with the Comprehensive Plan now in place, the urban area will most likely be developed in the near future and the Persigo boundary should be formulated accordingly. This previous item points out the difficulty of serving just a few properties in the area at a time. He asked that they discuss the whole area in order to deploy capital accordingly. He felt there had been times when there have been individual requests rather than the Board looking at where development is taking place.

Commissioner Rowland agreed they should take a look at it.

County Administrator Peacock noted that this item was tabled during the Comprehensive Plan discussion as it was a better topic for the Persigo Board. They are looking for direction if the Persigo Board wants to look at different options for a redrawing of the 201 Boundary and determine if there should be an effort to match the 201 Boundary with the Comprehensive Plan boundary.

Councilmember Hill agreed that area should be planned into the future but he is not sure if the time is right to invite the property owners to talk about, not from what was seen tonight.

Councilmember Hill asked about area #8 as labeled on the map. Mr. Moore said that property belongs to BLM so does not need to be in the 201 Boundary as it is in public ownership.

Councilmember Hill said that he is not sure that the residents in area #1 are interested in being included in the 201 Boundary. Therefore it makes sense why that line does not match with the Comprehensive Plan boundary. He would rather wait until the property owners are interested.

Councilmember Pitts said he is comfortable with lines and until something happens with the economy, leave them where they are.

Councilmember Susuras agreed with what Councilmember Hill said.

Councilmember Palmer said he sees no pressing need to make the change.

Councilmember Beckstein also agreed that it should not be looked at until the property owners want it.

Council President Coons advised the Commissioners that Council feels there is no need to open up that discussion.

Commission Chair Meis said that he would like to see the lines better correlate with where growth is taking place and to reduce further checker board annexation that is now inside the 201 Boundary. The Persigo Boundary is causing the checker board annexation now inadvertently. There are disconnected service patterns because of the checker board annexation and it would be helpful to look at this to ensure that services are not being duplicated in adjacent areas.

Councilmember Kenyon agreed with the checker board pattern description but said it is an operational issue. It is disjunctive and dysfunctional for the service providers and he would like to see that being made more efficient but it is a challenge because of the people who do not want to be annexed.

Council President Coons said that it does sound like a discussion on how to best provide service is necessary and they can put it on a future agenda to continue that discussion.

Commission Chair Meis said that they either need let it die and look at future amendments to the Boundary or make a request for information that would demonstrate the issues. Discussions on this have continued far too long.

County Administrator Peacock said that what is unique with the Comprehensive Plan is that they planned significant urban areas that are outside the 201 Boundary. There is a lot of land planned for future urban development that will fall under the County's land use jurisdiction and it would take a long time for appropriate infrastructure to get to those areas. That will likely result in property owners asking for development which may create situations where the landowner must wait for development to get to them. If it is left as business as usual, it sets up future decisions outside the Comprehensive Plan. They are also wrestling with the questions of annexation patterns and checker

board annexation patterns and the confusion it creates with the public. The question is if there is a more rational way to step out with either annexation or service delivery.

Councilmember Hill said the City is preparing for growth; areas where an owner wants to develop and it is not in the City leaves the decision to the County but that has been happening since the creation of the community. Ideally from a planning perspective it makes sense to include all those but it doesn't work that way. Checker board may not be ideal but annexation has been very smooth, and it was clumsy at first. Eventually the checker boarding fills in. Annexing everything in the 201 Boundary goes against the previous conversations that have come forward with the Persigo Agreement.

Council President Coons agreed that it is frustrating to keep postponing discussion so she asked Staff if they have a suggestion on a better way to proceed.

County Administrator Peacock said that they have not spent time analyzing alternatives but there probably are a set of alternatives that could be developed if Staff is given direction to do so.

City Manager Kadrach said that Staff has brought forward what has been asked, no forced annexation, only if the property owner wants to be included. Options have not been discussed because they have not originated from the property owners.

Council President Coons said that it takes Staff time and resources to develop alternatives and asked if there is the capacity to do that.

County Administrator Peacock said from the County's perspective, given the slow down, even with staffing reductions, there is no better time to do that with the current low level of development.

City Manager Kadrach stated she has a different perspective; the City Planning and Public Works Department has been reduced by 29 positions in the last nine months. They are looking at a different model of operation for implementing the Comprehensive Plan and Zoning and Development Code. Some of the wisdom is to leave the Comprehensive Plan alone for a period of time. The City is in a different spot as far as staffing and resources.

Councilmember Palmer said a lot of the checker boarding happens in his district; "no knock" annexation policies in the past did not go over well. He believes time will take care of most of it. The City does not have the dollars to annex everything in the 201 Boundary. The City's Fire Department services areas outside the 201 Boundary but if Commission Chair Meis is suggesting looking at service arrangements to consolidate costs, he is willing to look at service agreements.

Councilmember Pitts asked why not just square up the boundary?

City Attorney Shaver advised that part of the nature of the line is the basins where there are collection areas, the ultimate build-out of the system is based on a study from the 1970's. The 201 sewer service area simply represents the area to be served by the sewer plant and its capacity. The community grows by the extension of services.

Council President Coons asked for any other comments.

Commission Chair Meis said the sewer boundary is like a land use document and it is unfortunate that it is a basis for development. It's hard to believe that Persigo is representing the interest of the rate payers when an owner closer to the Clifton Sewer Plant must hook onto the Persigo Plant. He asked the Board to consider a policy or guideline on how parcels are annexed in the future. He urged the Board to consider deployment of capital in more of a business sense. Bigger areas that make sense from a service function should be considered such as it being contiguous with existing infrastructure.

Councilmember Hill responded that Commission Chair Meis had the assumption that those two parcels would have been approved. To the contrary, this Board has done exactly that (considered the business perspective) when such examples have come forward previously.

Commissioner Acquafresca noted that the Staff was recommending that both parcels be included based on existing policy.

Councilmember Palmer agreed that contiguity should be a requirement.

Council President Coons stated the Board does have the ability to look at an application and look at the entire area and determine if it makes sense from a business standpoint. She said that she is not hearing a Council desire to give Staff any direction.

Commission Chair Meis said that the Board should look at some direction on existing policies and see if they need to be revised.

Council President Coons stated it is her understanding that the Staff recommendation is from the Comprehensive Plan and she is not sure how that would be changed.

Commission Chair Meis said that contiguity is just one example. He would like to lessen the burden on Staff to look at petitions for inclusion which may not have chance of being approved.

Councilmember Hill asked if there are policy guidelines.

County Administrator Peacock said in the Persigo Agreement it states that it is the right of the property owner to ask for inclusion.

Councilmember Hill said there should be a concerted effort to open the doors wide open. If someone wants in the 201 Boundary, let them come forward and have the Board weigh the merits. They have done a good job with fewer guidelines.

Commissioner Rowland asked why have Staff go through this when it doesn't have chance of being approved?

Council President Coons said her concern with having rigid guidelines. Although they are not seeing a lot of development right now, when economy changes that could result in requests being automatically denied.

Commissioner Rowland said that the Board just needs to look at the guidelines, to see what there is now, and what should be changed.

Council President Coons said the guidelines can be distributed as they are written now and asked the Board if they want to set a date for a future discussion.

Commissioner Rowland stated that the Board always agrees to continue to say they will talk about it but they never talk about it.

Commission Chair Meis said that other service providers have annexation guidelines, Persigo does not. He asked why they should allow leapfrogging.

Councilmember Kenyon asked if a cost benefit analysis has been a part of any application coming forward.

City Manager Kadrich replied that there is plenty of plant capacity and the extension is paid for by the property owner. The plant itself is paid on a shared basis by all users.

Commission Chair Meis said there is a cost to the capacity, i.e. pipeline capacity.

### **Other Business**

There was no other business to come before the Persigo Board.

### **Adjournment**

Council President Coons adjourned the meeting at 7:25 p.m.

Stephanie Tuin, MMC  
City Clerk