



APRIL 24, 2003

JOINT PERSIGO MEETING

CALL TO ORDER

Chairman James R. Baughman and Mayor Cindy Enos-Martinez called to order a Joint Persigo Meeting of the Board of Mesa County Commissioners and the Grand Junction City Council at 2:35 p.m., in the Adobe/Escalante Room, Two Rivers Convention Center, 159 Main Street, Grand Junction, Colorado. Those in attendance from Mesa County were: Commissioners Doralyn B. Genova and Tilman M. Bishop; Robert Jasper, County Administrator; Lyle Dechant, County Attorney; Kurt Larsen, Planning and Development Director; Pete Baier, Public Works Director; Keith Fife, Long Range Planning; and Roberta Raley, Clerk to the Board. Those in attendance from the City of Grand Junction were: Council Members Jim Spehar, Harry Butler, Bill McCurry, and Dennis Kirtland; Greg Palmer, Council member elect; Kelly Arnold, City Manager; Dan Wilson, City Attorney; Bob Blanchard, Community Development; and Stephanie Tuin, City Clerk. Council members Reford Theobald and Janet Terry were not in attendance. (Minutes transcribed by Roberta Raley, Clerk to the Board.)

FIELD TOUR OF THE AREA AROUND 21.5 AND H ROADS, AND 22 AND H ROADS.

The Board of Mesa County Commissioners and the members of City Council that were present, including staff members of both entities, boarded a bus and toured the areas around 21.5 and H Roads and 22 and H Roads.

REVIEW OF THE OCTOBER 14 JOINT PERSIGO MEETING MINUTES.

Chairman Baughman noted that the County had approved the minutes in 2002 and the City had approved theirs.

SEWER VARIANCE PROCEDURE.

Presenter: Mark Relph, City Public Works Director

Mark Relph discussed the conflicts of the City Sewer Variance Policy, the Wastewater Regulations, and the Persigo Agreement. There are also inconsistencies within the City Regulations. For the City Council and the Board of County Commissioners to retain flexibility of allowing a variance, because of special conditions, it is requested that either: 1) Any request for a variance come before the City Council and the Board of County Commissioners, either separately or at a combined meeting. If

it is a combined meeting, then it could be at the annual Persigo Meeting, or: 2) The City's Sewer Regulations be modified to allow exceptions under certain conditions for certain types of residential development. If this alternative was selected, only the City's process would consider such requests and the regulations would be modified by inserting the words "residential or" to Section 4. This modification would be for infill development. Any modification would reflect the intent of the Persigo Agreement that all new development within the 201 be sewerred and that exceptions only be granted under very specific and limiting factors.

The group discussed the large lot on Buffalo Court; the owners had requested to split the lot it was not within a sewerred area but within the 201 and in the City limits. City Council approved the split and approved it with septic using a variance.

Chairman Baughman related that for a variance in the 201, if the lot was within the City the City should handle the matter, if the lot was outside of the City limits the County should handle the matter. Commissioner Genova noted that with the Persigo agreement, development triggered the matter and the City would handle the matter, as it would have to be annexed.

Jim Spehar felt that staff should develop criteria but the City would have to handle the matter, as it would trigger annexation. Commissioner Genova related that the process should be made as simple as possible for the citizens. Commissioner Bishop questioned with the use of variance language would there be more use of the variance. Mark Relph related that the intent was for few and far between exceptions. Jim Spehar felt that the language would have to be very strict and use the 400-foot rule; Chairman Baughman concurred but thought that topographical issues should be included in the exceptions. Commissioner Genova related that the County should be a review agency on any of the development. Kelly Arnold suggested that both staffs work on the details and bring them back before the group at the next Joint meeting for a vote.

FILES PROPERTY AND THE 201 PERSIGO BOUNDARY.

Presenters: Greg Trainor, City Utility Manager, and Bob Blanchard, City Community Development Director

On September 9, 2002, Doyle and Sandra Files made a request to the City to de-annex their property on Monument Road. The City boundary encompasses the Files' property. The property which lies south of Monument Road is outside of the Persigo 201 Sewer Service Area and is 39.5 acres of their 40 acres, the .5 acre is

north of the Monument Road and is inside the 201 boundary. This property abuts the BLM, is in a Rural 5-35 zone, and because of the topography of the parcel it would most likely never be sewerred. The closest sewer is down gradient approximately 10,000 feet. The City staff was recommending that no action be taken on removing the .5-acre from the 201 and make an exception that the property not be sewerred.

Chairman Baughman related that the property should be taken out of the 201 as well as other properties along the north side of Monument Road as they will most likely never be sewerred. Commissioner Genova related that the question before the Joint meeting was whether to move the 201 boundary and not whether to de-annex the property. She related that she thought the sliver (.5 acre) should be removed, as the rest of the parcel was out of the 201.

Cindy Enos-Martinez questioned splitting the parcel with a portion in the 201 and the majority of it out.

DORALYN B. GENOVA MOVED, TILMAN M. BISHOP SECONDED, AND MOTION UNANIMOUSLY CARRIED TO DE-ANNEX THE DOYLE AND SANDRA FILES PROPERTY FROM THE PERSIGO 201 SEWER SERVICE AREA.

JIM SPEHAR MOVED, DENNIS KIRTLAND SECONDED, AND MOTION CARRIED TO DE-ANNEX THE DOYLE AND SANDRA FILES PROPERTY FROM THE PERSIGO 201 SEWER SERVICE AREA.

PROJECT UPDATES

BIO-SOLIDS.

Presenter: Pete Baier, Mesa County Public Works Director

Bio-solids are currently being disposed at the Mesa County Landfill. They are the by-products after the processing of the sewage at the Persigo plant, which is sludge. The size of the Landfill requires that it test for methane gas and that is being done by drilling test wells. The sludge is not the cause of the methane the moisture content of the sludge is. The County has come up with four options: 1. Continue the current practice of co-mingling with regular trash in the landfill; 2. "Pre-dry" the bio-solids at the Persigo Wastewater treatment Plant then use the bio-solids in the County's compost program; 3. Privatize bio-solids disposal and composting; and 4. Examine new ways to integrating bio-solids into the County's compost operating. Option 4 would be an effort to re-examine state-of-the-art methods of aerating compost materials to remove or reduce odor. The technical efforts would be accompanied by the creation of a

community-based steering group of Orchard Mesa residents, green waste/compost advocates, retired wastewater experts from the community, and city and county staffs. The bio-solids are a very good source for nitrogen. This option would require some expense from Persigo funds for a consultant. A second pad was built at the Landfill some time back on the southern portion.

Chairman Baughman related that the Board had suspended the bio-solids composting due to an outcry from the public. Pete suggested moving forward with a steering committee and possibly a pilot project and monitoring it very closely. He noted that the original composting was done on the north side and this project would be in the southern portion of the Landfill further away from the residential area. The process would be changed and started with dryer material and then mixed with the moist sludge.

DORALYN B. GENOVA MOVED, TILMAN M. BISHOP SECONDED, AND MOTION UNANIMOUSLY CARRIED TO APPROVE A STUDY, AS OUTLINED IN OPTION 4, AND TO BE COMPLETED BY A JOINT CITY COUNTY STAFF AND WITH A REPORT BACK BY JULY 2004.

BILL MCCURRY MOVED, JIM SPEHAR SECONDED, AND MOTION CARRIED TO APPROVE A STUDY, AS OUTLINED IN OPTION 4, AND TO BE COMPLETED BY A JOINT CITY COUNTY STAFF AND WITH A REPORT BACK BY JULY 2004.

GREASE AND SEPTIC WASTE.

Presenter: Greg Trainor, City Utility Manager

The Persigo Wastewater Treatment Plant is nearing capacity on its ability to accept grease. There have been discussions with several citizens for privatization of this service. For this to be a profitable business, the Treatment plant would have to quit accepting this waste. One individual is pursuing the matter, though he would have to obtain a Conditional Use Permit from the County and all necessary permits from the State. The other alternative is to design and construct a grease and septage facility at the Treatment Plant at an approximate \$1.6 million price tag. Greg Trainor felt that this could be done without increasing the rates or without reducing the fund balance below the minimum allowable.

Dennis Kirtland questioned what happens if after several years this individual goes out of business or cannot get his needed permits to start. Jim Spehar also questioned the longevity of privatization and then still having to make the investment. Greg Trainor related that the State says if there is movement towards providing a solution they will work with the Treatment

Plant and that they are not under any type of permit violation at present. Mark Relph related that the standard is soft and the State is willing to work with the City on the problem. Septic waste would continue to be taken at the Persigo Plant as it is handled the same as the raw sewage. The charge at the Persigo Plant for disposing of grease is 3 cents a gallon.

Chairman Baughman inquired why this was not taken to the Landfill. Pete Baier related that the cost would exceed the 3 cents a gallon to place in the Landfill. Jim Spehar related that this is a community problem and needed to be solved with a permanent facility. It was questioned if the same method that the private citizen was working on could be done at the Landfill.

Commissioner Genova related that the two bodies needed to look at the matter very carefully and have at least another option, whether it is at the Persigo Plant or at the Landfill. Commissioner Bishop questioned if the government built something such as at the Landfill could it be leased to a private individual to run. Commissioner Genova related that this needed to be studied. Jim Spehar agreed that there needed to be a study of the problems, options, and the economics. It was requested that staffs bring back information at the July meeting.

CENTRAL GRAND VALLEY AND ORCHARD MESA SPECIAL SANITATION DISTRICTS.

Presenter: Mark Relph, City Public Works and Utilities Director

Mark Relph related that there was progress being made with the Central Grand Valley and the Orchard Mesa Special Sanitation Districts creating a mechanism for them to invest in the system. A draft proposal has been discussed on how the Districts would be able to access funds for Capital Improvements. There has also been discussion about the dissolution of the Districts.

Robert Jasper gave a brief background on the Special Districts. He related that solving infiltration and backbone issues were beneficial to the Districts and the Persigo system, at sometime the entire area will all be within the City. It was also noted that only the voters of a district can dissolve the district.

Larry Beckner, attorney representing Central Grand Valley and the Orchard Mesa Special Sanitation Districts, addressed the financial and the dissolution matters of the Districts. He related that they are all independent Boards and were working on

how the concept of the dissolution would be taken to the voters of the individual districts. He felt that if the package was put together properly the voters would accept the dissolution. He also related that in the meantime, it was the goal of the Boards to apply capital improvements to their systems and when it was turned over to the City it they would be very good systems.

The Fruitvale District has not had a capital improvement plan as the other two districts have because 80% of the district is in the City of Grand Junction. Their rates are the lowest of all the special districts. Doralyn B. Genova related that the biggest issue was that they were debt free, and have not wanted to spend a lot of money to upgrade the infrastructure since their beginning. Larry Beckner related that the dollars from Persigo has to be used for capital improvements and not for operation. New line construction is currently being paid by the developers who are developing; repair and replacement of existing lines or trunk lines should come from Persigo and capital improvement funds. Jim Spehar questioned if the construction standards the Districts use are the same as the City's. Larry Beckner related that the standard was the same.

CLIFTON SANITATION DISTRICT #2.

Presenter: Mark Relph, City Public Works and Utilities
Director

Mark Relph related that the City received a proposal from the Clifton Sanitation District #2, whereby the District would connect to the Persigo System and eliminate their treatment process or responsibility. Staff is currently reviewing proposal on how this would affect the Persigo System. At some point in the future, staff would be presenting that analysis and requesting direction on this and the other issues associated with the connection of the Clifton Sanitation District #2 to the system.

Doralyn B. Genova related that the Sanitation District Board would have to carry the responsibility of informing the District members of the intent of the Board. Larry Beckner related that the Clifton Sanitation #2 Board was doing that very thing.

PERSIGO BOUNDARY ADJACENT TO 21.5 AND H ROADS AND 22 AND H ROADS, CONSIDERATION OF PROCEEDING WITH A BOUNDARY ADJUSTMENT AT THE JULY MEETING.

Presenter: Kurt Larsen, Mesa County Planning and Development
Director

Kurt Larsen gave a brief overview of the two areas that were being recommended to be brought into the 201 boundary. The first area is 89-acres located on 21 ½ Road and north of H Road, containing 20 parcels. The second area is 21-acres located on the east side of 22 Road south of H Road containing four parcels. The areas already have some development of industrial or commercial. County staff was recommending that the areas be included into the 201 area, as they can be sewerred with gravity flow. It was felt that at the next public hearing there should be time made available to take public comments pro or con on amending the 201 boundary in this area.

Commissioner Bishop asked if there would be a downside to including them in the 201. Kurt Larsen related that from the Planning Department's perspective, there would not be a downside, the area has already developed with industrial and commercial so it should be sewerred. Commissioner Genova related that most of the area was zoned commercial or industrial in the 1980's. Chairman Baughman related that the one downside was in the area on 21 1/2 Road, if included in the 201, it would have to be noted that this was the only addition and that the surrounding properties would not be included. The additions were to be only the properties that were currently zoned industrial or commercial in those two areas. Keith Fife, Long Range Planning, noted that there were two parcels south of the Ranchman's ditch that were requiring extra research to determine the zoning status. Commissioner Genova felt it was very important to move forward with the research on the zoning in that area. Kurt Larsen related that currently there is sewer capacity to serve the areas staff was requesting to include but to add additional areas it would require a study to determine the impacts on the system.

Jim Spehar related that only the area marked in red on the map on page 4 should be considered for inclusion in to the 201. Dennis Kirtland questioned if an adjacent parcel to a commercial area wanted inclusion, how the long-term use of the land is determined. Jim Spehar related that the line has to be a blind agreement with the County, that this is all that is to be zoned commercial or industrial. Chairman Baughman related that he felt it should be just the area being discussed that is included. (Exhibit 1)

Robert Jasper related that the two bodies have adjusted the boundaries as things have changed, adjacent property could come in and prove that their property was zoned industrial or commercial and this body could make a decision for further expansion. Commissioner Genova felt that this area should have

been in the original 201 zone. Kelly Arnold questioned if there was a request to have the zoning changed outside of the 201 would the Commissioners first discuss with the City Council on adjusting the 201 boundary before changing the zoning? Kelly Arnold related that there should be a condition to the agreement that if adjacent properties to the 201 boundary come forth the Commissioners shall bring the matter before the joint body for a boundary adjustment instead of acting on the zoning first. Chairman Baughman related that the Commissioners have always recognized the develop ability of the land and put the zoning ahead of the plan, and let the owner use the property as it was zoned.

Chairman Baughman related that in regards to the Persigo agreement it talks about existing zoning being used. If the project falls within the City it goes through the City process, if it falls within the 201 and does not include a zoning change does not trigger annexation, and if out of the 201 strictly goes through the County process.

Dan Wilson related that it might be best to have a title search done on the properties for the zoning. The other idea could be to rezone the area where the growth is. Commissioner Genova related that at looking at the commercial growth in the area the 201 should be adjusted and the area and the lots around should be sewerred for health and safety issues.

TILMAN M. BISHOP MOVED, DORALYN B. GENOVA SECONDED, AND MOTION UNANIMOUSLY CARRIED TO PROCEED WITH THE RECOMMENDATION 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. THE PROCESS SHOULD INCLUDE FORMAL NOTIFICATION OF A PUBLIC HEARING TO OWNERS OF ALL POTENTIALLY ADDED PROPERTIES AND SURROUNDING PROPERTIES. (Exhibit 1)

Kelly Arnold suggested that a title search also be done on the adjacent properties. Commissioner Genova concurred.

DENNIS KIRTLAND MOVED, BILL MCCURRY SECONDED AND MOTION CARRIED TO PROCEED WITH THE RECOMMENDATION 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. THE PROCESS SHOULD INCLUDE FORMAL NOTIFICATION OF A PUBLIC HEARING TO OWNERS OF ALL POTENTIALLY ADDED PROPERTIES AND SURROUNDING PROPERTIES

CITY'S NOVEMBER 8, 2002, LETTER REGARDING PROCEDURAL ISSUES WITH THE PERSIGO AGREEMENT.

Commissioner Bishop requested that this matter be tabled until July to allow the Board to work out a response as this has not been discussed in a group setting amongst the Board of Commissioners. Commissioner Genova related that some of the points brought up by Kelly Arnold and the City staff may have been resolved. Cindy Enos-Martinez related that this has been an item of discussion for sometime. Commissioner Genova related that the County does not adopt the Plan and the City does. She also related that the County has always used the zoning on the land and has not rezoned as the City has done. Jim Spehar related that he would be willing to wait until the July meeting to have this discussion.

Dennis Kirtland related that focusing on the Persigo agreement would be the best thing for the two bodies. Kelly Arnold related that item 2 might resolve many of the problems. He felt it would be beneficial for the two staffs to work together on those areas and report to the respective body.

Robert Jasper related that he and Kelly Arnold had a number of discussions with the Planning staffs regarding the matter. From his point of view, the big picture was accomplished with the Persigo Agreement. He questioned if the Council wanted to reopen the Persigo agreement to have discussions on specific sections. Jim Spehar related that he felt there had been good come out of Persigo Agreement, there had been some bumps in the road but it had actually made life easier for the policy makers. He noted that there was some work yet to be done. Commissioner Bishop related that he had never seen a perfect agreement, but maybe the County also had some items they would like to put on the table. It was noted that the City admitted that they had overstepped the agreement on several occasions. Chairman Baughman related that Persigo Agreement outlined the boundary where the City would be for 10 years, on the other side of the line both bodies agreed to work together, and on the outside of that boundary was the under County jurisdiction.

Kelly Arnold remarked that in a perfect world all development would occur within the city limits for commercial and industrial. For the group to accomplish that there would have to be a line drawn and both bodies would have to abide by it.

Robert Jasper related that the County will undoubtedly grow tremendously, the Persigo Agreement has done what it was supposed to do, but may not do that in the next 10 years. There

may be bigger issues 10, 20, 30 years down the road. There is an opportunity for the two bodies to work and create a success.

Kurt Larsen requested that the two bodies define what was commercial or industrial. In the County there are allowed uses of commercial and industrial with a Conditional Use Permit in AFT zone. Some of those uses may not be appropriate for the City.

Kelly Arnold related that the two bodies needed to discuss the development in the Pear Park area. Commissioner Bishop related that it would be appropriate for the new members on Council and the Board to be briefed on the procedures relating to those issues. Chairman Baughman related that in the Pear Park area the build out would occur very shortly and there would need to be commercial in that area. It was not going to make very much sense to move the traffic all the way across town. Kelly Arnold related that it needed to be discussed how the City and County were going to work together to make this happen.

Chairman Baughman agreed to get a response back to the City regarding the letter in the very near future. He also related that the County may request responses back from the City.

AGENDA FOR THE ANNUAL PERSIGO MEETING IN JULY.

Chairman Baughman related that there were items added to the agenda the Annual Persigo meeting with a date of July 10th, 2003.

ADJOURNMENT

There being no further business to come before the Board of County Commissioners and the Grand Junction City Council, Chairman James R. Baughman and Mayor Cindy Enos-Martinez adjourned the meeting at 5:15 p.m.

Janice Ward
Mesa County Clerk and Recorder

Roberta Raley,
Clerk to the Board

James R. Baughman,
Chairman

(Verbatim files of the Proceedings of April 24, 2003, are on file in the Mesa County Clerk's Office.)