

**JULY 10, 2003**

**JOINT PERSIGO MEETING**

**CALL TO ORDER**

Chairman James R. Baughman and Mayor Jim Spehar called to order a Joint Persigo Meeting of the Board of Mesa County Commissioners and the Grand Junction City Council at 6:15 p.m., in the City Auditorium, 250 North 5<sup>th</sup> 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; Valerie Robison, Assistant 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, Harry Butler, Bill McCurry, Dennis Kirtland, Cindy Enos-Martinez, Greg Palmer, and Bruce Hill; Kelly Arnold, City Manager; Dan Wilson, City Attorney; Bob Blanchard, Community Development Director; and Stephanie Tuin, City Clerk. (Minutes transcribed by Roberta Raley, Clerk to the Board.)

**APPROVAL OF CRITERIA FOR SEWER VARIANCE.**

Mark Relph, Grand Junction Public Works and Utility Director; and Greg Trainor, Utility Manager; discussed the proposed criteria for the sewer variance in Section 4,(b)(2)b of the Wastewater Regulations adding the words "residential or" prior to the words "nonresidential use..." so that this section could be inclusive of not only nonresidential uses that are expanded or redeveloped. It was felt that any property in the 201 boundary should at sometime be connected to the sewer. The property would be able to stay on septic until that system fails, and then they would have to connect to the sewer system if they were within 400 feet. In October 2002, the matter was brought before the Joint Meeting discussing how to deal with the properties that have failing septic systems or properties that have neither subdivided, developed, nor expanded. The matter was tabled and brought back in April 2003 with more discussion and tabled again with the direction to staffs to bring back with a resolution on the matter to amend the Wastewater Regulations to allow septic systems within the 201 and the City limits. Current regulations allow the Utility Department to look at the situations on a case-by-case basis and determine whether that septic can be repaired and under what conditions, and when that property would have to be connected to the sewer.

**APPROVAL OF CRITERIA FOR SEWER VARIANCE (CONTINUED)**

There were also provisions in the regulations that addressed existing non-residential uses that were being redeveloped or expanded having to hookup to the sewer. Staff also used the same criteria for those non-residential uses on determining whether to allow a repair to be made.

Dennis Kirtland questioned how staff and the property owners determine future Improvement Districts. Greg Trainor related that almost all the basins are mapped with where the major collectors and neighborhood collectors would be. The central driving factor of sewer lines was topography.

Chairman Baughman related that he had concerns of subdivisions not hooking to the sewer service in the 201, as in the Persigo Agreement and both bodies were going to great lengths, using a subsidy program, to eliminate septic systems. He related that he could understand allowing septic on one lot, or to redo an existing system, but not a subdivision.

Commissioner Bishop questioned the 400-foot rule, is the homeowner or the developer responsible for the line to the residence. Greg Trainor related that the home owner was, unless in the project was in the developing stages and then it would be the developer.

Commissioner Genova related that the verbiage of "including to but not limited to" should be added, as not all the scenarios could be covered. She related that she felt both bodies should approve the matter. Chairman Baughman related that if the variance was to include redevelopment both bodies would have to agree. Jim Spehar related that by having both bodies approve the matter it would be adding another step to the criteria and a delay for the citizen. Commissioner Genova related that the matter could be voted on in separate meetings, it would not have to be a joint meeting. Robert Jasper related that it should go before the Board and the Council as staff does not have the authority to create more lots or make decisions on regulations.

Jim Spehar related that if a problem develops then have the joint bodies come back together. Cindy Enos-Martinez related that it should go before both Boards, if there was not agreement then there would have to be a joint meeting. Dennis Kirtland related that rather than having the County act on the matter, why not have the City approve and then send it to the County for response in 15 days.

**APPROVAL OF CRITERIA FOR SEWER VARIANCE (CONTINUED)**

Chairman Baughman suggested that this matter either be tabled and have the staffs do more exploration with options; or pass the suggested resolution but it would not include subdivision language at this point.

Robert Jasper suggested that he and Kelly Arnold review the resolution and bring it back. Kelly Arnold questioned if the County Commissioners desired to review and approve the variances or the new subdivisions. Chairman Baughman related that he felt the City should be able to act on what they were now, but if it was a new subdivision, it could go to the County for review. Chairman Baughman related that the applicant needs to know upfront that the project was being considered within the 201 and both bodies would have to buy off on the matter.

Chairman Baughman related that this item was tabled for the respective City and County staffs to draw up a resolution for adoption in August.

**PUBLIC HEARING ON THE CONSIDERATION OF EXPANDING THE 201 SEWER SERVICE AREA TO INCLUDE THE AREA AROUND H ROAD AND 21 ½ ROAD.**

Kurt Larsen, Mesa County Planning and Development Director, related that on April 24, 2003, the Board of County Commissioners and members of the Grand Junction City Council took a bus tour of the area around H Road and 21 ½ Road. This area includes many parcels that are zoned commercial or industrial and the County was requesting to have the area placed within the Persigo 201 boundary for eventual sewerage. There were a total of 24 parcels in the area. On June 18, 2003, a neighborhood meeting was held with 17 people attending. If this area was placed into the 201 and sewerage there would have to be some development criteria changed and the area could be annexed if new development occurred. Greg Trainor related that the cost of putting sewer into the area would be between \$225,000 and \$300,000, with the cost being borne by the property owners. The cost ranged \$17,000 to \$46,000 per lot. The area is significantly developed, the Master Plan recognizes commercial and industrial use, based on the Persigo Agreement existing zoning can develop.

Public Comment was from Louie and Jane Denton, 802 21 ½ Road; Harry Smith, 798 21 ½ Road; Mike Dawson, 2150 H Road; Richard Livingston representing Earl and Charlene Kipp; Randy Kelly, 849 21 ½ Road; Dennis Lucas, 848 21 ½ Road; Charley Raley, 806 21 ½ Road; Vernon Pace, 844 21 ½ Road; and Glen Larsen, 836 21 ½ Road.

**PUBLIC HEARING ON THE CONSIDERATION OF EXPANDING THE 201 SEWER SERVICE AREA TO INCLUDE THE AREA AROUND H ROAD AND 21 ½ ROAD (CONTINUED)**

Many of the property owners in the area were against the inclusion into the 201 boundary. One citizen entered a petition into the record. Many of the reasons for not wanting to be included into the 201 were that they did not want to be annexed into the City of Grand Junction, adding sewer would only create more development and more urban sprawl. Mr. Livingston related that Mr. and Mrs. Kipp said if all property owners in the area want to be in the 201 and have sewer they would not object, but if the Kipp property was placed within the 201 and developed they (Kipp's) would have to bear the entire costs for sewer to their property, this is a commercial zoned property.

Bond Jacobs, 888 21 1/2 Road; related that he told the County Commissioners if sewer was an option he would be willing to connect his business. He further related that commercial and industrial areas needed to be on sewer. He related that his company was strictly a manufacturing company and did not do any retail.

Chairman Baughman related that what was being proposed for the extension of the 201 area was at the request of the County. Idealistically this should be done where the area has commercial and industrial parcels. The property owners do not want the sewer nor to be in the 201 area and he would not force that. Commissioner Bishop related that it was quite evident that the property owners were not interested in being included into the 201 area. He related that he shared some of the concerns and it was the wish of the people in the area. Commissioner Genova related that this was an area that was developed in the late 70's and early 80's and should be put in the 201 boundary. The area for the most part is zoned commercial. The City was not happy with the approval of the Conditional Use Permit for Job Site. She related that eventually with the Clean Water Act sewer would be a requirement. Commissioner Genova related that to be in the 201 boundary does not mean that there will be annexation.

Cindy Enos-Martinez related that the only way a property owner would be annexed is if they wanted to develop the property or expand a business.

**PUBLIC HEARING ON THE CONSIDERATION OF EXPANDING THE 201 SEWER SERVICE AREA TO INCLUDE THE AREA AROUND H ROAD AND 21 ½ ROAD (CONTINUED)**

Dennis Kirtland related that the area was zoned commercial before the Persigo agreement and lays the groundwork for cooperation. He applauded the County and the staff for bring the idea to the table, as in the future it will have to be sewerred. Jim Spehar related that the real issue was it was not appropriate for commercial and industrial businesses to be outside the 201. He did not feel that this was about annexation; the City would loose money if the area were annexed.

TILMAN M. BISHOP MOVED, DORALYN B. GENOVA SECONDED, AND MOTION UNANIMOUSLY CARRIED FOR DENIAL OF EXPANDING THE 201 SEWER SERVICE AREA TO INCLUDE THE AREA AROUND H ROAD AND 21 ½ ROAD.

DENIS KIRTLAND MOVED, CINDY ENOS-MARTINEZ SECONDED, AND MOTION UNANIMOUSLY CARRIED FOR DENIAL OF EXPANDING THE 201 SEWER SERVICE AREA TO INCLUDE THE AREA AROUND H ROAD AND 21 ½ ROAD.

**BUDGET AND POLICY ISSUES**

**UPDATE ON THE CLIFTON SANITATION #2 PROPOSAL.**

Kelly Arnold related that the City had received a letter from Clifton Sanitation District #2 stating their desire to explore the merits of the District coming into the Persigo system. Clifton Sanitation hired a consultant and provided the City with their financial analysis. Kelly Arnold asked the joint body if the Persigo financial analysis based on current policies could be given to the Clifton Sanitation District #2. This then would give Clifton the information on what it would cost for them to hook into the sewer system or decide whether to repair their system. In addition, Kelly was requesting if there could be on going discussions and negotiations with the Clifton District. Jim Spehar questioned if there was capacity within the plant for this type of expansion. Kelly Arnold related that there was.

Larry Beckner, attorney representing Clifton Sanitation District #2, related that the big concern is timing, informally brought this issue before the joint Boards last year and was told that the answers had to come from within the District. The District is at the stage that they need some answers, as something needed to be done with the system. Larry Beckner requested for one person designated by the City Council and one designated by the County Commissioners to meet with the Clifton Sanitation District #2 Board.

**UPDATE ON THE CLIFTON SANITATION #2 PROPOSAL (CONTINUED)**

Commissioner Genova related that she was willing allow staff to put numbers together to take to the Clifton Board to compare with the study that the District has. The other thing she could see was that the Clifton Sanitation Board would need to have a lengthy discussion on the political issues with their members rather than the City Council and the County Commissioners coming into the crossfire.

Larry Beckner related that the Sanitation Board needed more information before going to the members on how the 201 area would be expanded, the annexation issues, what policies would in place, would the Persigo agreement be the guiding document. In a June 30 workshop there were three options discussed: 1) expand the 201 area; 2) Clifton Sanitation to build own facility, and 3) serve Clifton as an out of District customer.

Jim Spehar related that he felt to it would require the expansion of the 201 boundaries and adherence to the Persigo agreement.

Chairman Baughman related that anything different than that would require opening the Persigo agreement and changing the rules, when the City Council and the County Commissioners drafted that agreement Clifton Sanitation 1 and 2 both wanted to be removed from the boundaries.

Commissioner Genova related that she has no problem with the managers of the plant giving the financial information to Clifton Sanitation District to complete their study. Commissioner Bishop and Chairman Baughman concurred, as did the City Council.

**UPDATE ON THE SPECIAL SANITATION DISTRICT PROPOSAL.**

Kelly Arnold related that the Special Districts, the City of Grand Junction, Mesa County, and the Persigo System were no closer than they were a year ago on the matter of the Backbone Capital Improvements. Kelly related that this matter might require a third party negotiator to bring the County, the City, and the Special Districts together. He related that they have met but cannot report that they have accomplished anything.

Robert Jasper related that he agreed with Kelly Arnold's recommendation for a third party negotiator. However, he did feel that they had made some progress; they have gotten down to some of the details and conceptually bridged some of the gaps. He feels that this task can be accomplished.

## **UPDATE ON THE SPECIAL SANITATION DISTRICT PROPOSAL (CONTINUED)**

Larry Beckner related that this has been a disappointing exercise of almost two years. Several months ago, he prepared a draft agreement that would do away with all the old agreements, consolidates how the entities interact with one another, a cost share program, and dissolution of the Districts. Larry agreed that there needed to be a third party entity to get the talks moving.

Chairman Baughman related that when the County agreed to the additional cost of the Stormwater mediation expense for Persigo, one of the criteria was that we would work with the Special Districts on replacing their trunk lines. He did not know that there were requirements of dissolution of the Special Districts for them to use the funds.

Commissioner Bishop related that this has been dragging along for a long time and some how needs to move forward.

Jim Spehar related that a third party negotiator, someone with a fresh perspective, would be a good way to move forward on the matter.

## **REPORT ON THE SEPTIC SYSTEM ELIMINATION PROGRAM.**

Greg Trainor, Utility Manager, reported to date the Septic System Elimination Program has completed design and received bids on 15 separate districts. Of these, ten have been completed, two are under construction, one is awaiting formation, one is awaiting a petition to circulate, and only one has failed to move forward. Over the last three years approximately 15 miles of sewer lines were constructed, about 800 septic systems were eliminated, and over the next couple of years will eliminate another 400 septic systems. The program has exceeded everyone's expectations.

## **UPDATE ON STAFF EFFORTS WITH THE GREASE AND BIOSOLIDS ISSUES.**

Pete Baier, Mesa County Public Works Director, reported that historically biosolids have been buried at the Landfill, which is causing environmental concerns with the water content creating methane gas when commingled with the rest of the trash. The Landfill will again attempt a pilot program of composting with the biosolids mixed with the green waste.

**UPDATE ON STAFF EFFORTS WITH THE GREASE AND BIOSOLIDS ISSUES  
(CONTINUED)**

Pete Baier related that the possibility of the grease disposal being privatized is unknown, there had been several individuals interested. Persigo is currently charging three cents a gallon, for private disposal to become feasible consumers would have to be charged at least 10 cents a gallon.

Mark Relph related that Persigo could not wait indefinitely on the private sector stepping up. Staff was investigating what it would cost to install a treatment procedure at the plant.

It was questioned why the rates were not raised at Persigo to give the private sector an incentive to build something. It was also noted that the restaurants would have to be notified of changes.

**ISSUES RAISED FROM THE MAYOR'S LETTER OF 2002.**

Chairman Baughman related that the County Commissioner have written a response to the letter from Mayor Cindy Enos-Martinez. This letter was entered into the record. Commissioner Bishop recommended that the City Council review the letter at their next meeting.

Commissioner Genova related that the County's decision regarding Job Site was the crux of what they were discussing in their letter. This was the biggest obstacle that they have had with the Persigo agreement regarding land use and zoning outside of the 201 boundary. The County got a notice from the City that they did not want the County to approve the project. She related that she was not sure how the County was to work with the City as partners, as the County respects the zoning that is on the ground.

Jim Spehar requested if the County could get the zoning mapped so that both parties would have mutual expectations of what they were looking at. Chairman Baughman related that there is a like problem out on E Road and 30 and 31 Roads, the County's map showed the property as residential and the property owner had a resolution showing that the property was zoned commercial. Jim Spehar related that as those items come forward that the County notify the City of the matter.

Robert Jasper related that the County can and will accept help from the City, because there may be areas identified that are not mapped correctly, and title searches will be needed in the areas of concern.



**ISSUES RAISED FROM THE MAYOR'S LETTER OF 2002 (CONTINUED)**

Chairman Baughman related that many of the problems were created during the early boom era of the late 70's early 80's, and there was a Joint City/County Planning Department at that time.

**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 Jim Spehar adjourned the meeting at 10:15 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 July 10, 2003, are on file  
in the Mesa County Clerk's Office.)