

JANUARY 15, 1996
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, January 15, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator - Chuck Deschenes and County Clerk and Recorder - Mildred Alsdorf.

ORDER

Chairman Smith called the meeting to order at 8:01 A.M.

COUNTY ADMINISTRATOR

Healthy Beginnings - Request for sole source Procurement of Microscope

Mickey Rimmel presented the information for a *BIO VU 2000 Biological Microscope* that she budgeted for and the bid amount. With the purchase of this microscope, it will save Healthy Beginnings \$130.00 per month. The midwife nurses can read the slides right in the office instead of sending them out and then having to wait for the results. The results can be diagnosed immediately and the mother can get the prescribed medication. The lowest bid was \$695.00 and the highest bid was \$899.00 for the same quality type microscope. The Board of County Commissioners gave Mickey permission to purchase the *BIO VU 200 Biological Microscope* for \$695.00.

Discussion of Library Board

Chuck Deschenes had a discussion with Vi Park concerning the considerable amount of savings that was left over last year in the library budget. Chuck believes that the request to the Board of County Commissioners is going to be for about \$7,000.00 of additional appropriation for the library. Chuck would like the Board to hold off and try to wait until further in the year.

Budgets

Chuck Deschenes explained to the Board of County Commissioners that he has not yet put out the 1995 budget in detailed line item because he was waiting on some information from some of the other entities in order to balance.

Jean Cole

Chuck Deschenes explained that Jean Cole's term does not come up until January 1997. The Board of County Commissioners requested that Chuck put him on the agenda to come in and speak with the Commissioners.

Letter to Margaret Long

Commissioner Arbaney made a motion authorizing the Chairman to sign a letter to Margaret Long thanking her for donating the flowers and associated material for the County Facility in Rifle, Co. Commissioner Mackley seconded the motion; carried.

Memo - Television Coverage for the Board of County Commissioner Meetings

Chuck reminded the Board about the memo that Lisa sent out concerning the television coverage.

Fairgrounds

Lee Moss would like the Board of County Commissioners to come to Rifle and tour the Fairgrounds. The Board decided to tour the Fairgrounds on Tuesday, January 23, 1996 at 1:00 P.M.

CAPP Pool Bylaws

Chuck Deschenes presented the CAPP Pool By Laws to the Board and explained that Don DeFord has reviewed them and there will be more changes later on. There was some cleanup language on the charter and it was passed by voice vote at the conference. Commissioner Arbaney made a motion

authorizing the Chairman to sign the CAPP By Laws and Intergovernmental Agreement on behalf of Garfield County. Commissioner Mackley seconded the motion; carried.

TV Translator District - John Dady

Dale Hancock, Chuck Deschenes, Don DeFord, John Dady, Michael Monroe, Stan Berryman and Tom Newland were present.

John Dady - we are here basically on a finding mission to get the Board of County Commissioners' opinion on forming both a *TV Translator District* and also the disposition of the County's translator assets. The Pitkin County Commissioners did put this on their ballot at the last election and the funding for a translator district passed by an overwhelming vote.

Michael Monroe - thinks the issues that are being brought to the Board are the same as last year when we first appeared in front of the Board with the idea of a *TV Translator District*. He heard that in order for the translator district to go on the Garfield County Ballot, Pitkin County would have to fund it. We are talking about forming 2 separate groups (1) in Eagle County and (2) in Garfield County in the service areas to get voter support for that. The Translator District Committee has been talking with John Dady about Garfield County's equipment being available and that the Board has put out bids for the equipment. We feel that our position is that we could put that equipment to use and would like to discuss what would be involved in order to allow the Translator District to use the translators or possibility of purchasing.

Chuck Deschenes - the equipment and the licenses are two different items. The equipment is paid for by County wide tax payers.

Michael Monroe - understood that there was a *VHF* site in the Carbondale area that was shut down and that would be something that he would like to discuss with the County on how to reactivate the translator. We would probably approach it from the same position that we are not sure that we should go for a county wide district within Garfield County. The eastern side is in the district right now but he would like to get the citizens involved more. If the Carbondale *VHF* system was activated and taken over by the multi-county district, it would probably be wise to wait and see if the voters said yes or no on the ballot; or Garfield County can turn control of the system over to the *Pitkin County Translator District* at no cost to the Garfield County taxpayers and that would be somewhat helpful in getting the vote through for those who can not pick up *VHF*.

Commissioner Arbaney - would it be a county wide vote or just a district area vote?

Michael Monroe - that is why we are here to talk to you and get your opinions. We want to get Garfield County residents involved because I live in Eagle County but we are willing to work with residents of Garfield County.

Chairman Smith - I don't see how we can say we'll provide it for one part of the County but not for all of Garfield County.

Dale Hancock - there is a public request for a proposal (*RFP*) for the Carbondale site now and all *RFPs* are due back in by February 12, 1996.

Chuck Deschenes - in order for the Translator District to operate the Carbondale site, they will need the County's licenses.

Dale Hancock - the licenses are in the dark and the County has been receiving quarterly approved authorization from the *FCC* to stay dark which is due in February also.

Michael Monroe - would like to know if the Commissioners would agree to having a survey for the whole county of Garfield. It cost about \$4,000.00 to mail the survey and another \$4,000.00 or \$5,000.00 to bring in the results. We asked for \$110,000.00 more for capital money. The ballot was written such that it was an increase on the mill levy of .25 to .31. This was awarded directly to property tax. The district was formed as a recreation district because it is the easiest district to form.

Chuck Deschenes - his concerns relate to what Commissioner Mackley mentioned concerning the possibility of there being a cost to the County.

Commissioner Mackley - feels that Garfield County residents should be given an opportunity and then if they don't want a *TV Translator District* then no more discussion.

Chuck Deschenes - if the western end citizens want the district, can your site still see the Anvil Points Site?

John Dady - yes, in fact we have been working on the CMC area and added a second antenna and there can be a third antenna added to serve the west end.

Chairman Smith - John, you need to sit down with Mildred and go over the precinct lines.

Michael Monroe - is there any way that we can get a list of the citizens that donated funds to keep the television running.

Dale Hancock - yes, I will give you a list.

JAIL DISCUSSION

Dale Hancock, Tom Dalessandri and Don DeFord were present.

Jail Count

87 total inmates. 27 in the Steelbox, 44 in work release, 10 Females, 2 in Other Jails, 2 in Day Reporting, and 1 DOC.

Day Reporting and In-Home Detention

Tom Dalessandri explained to the Board of County Commissioners that one of the problems with home detention or day reporting is that people do not meet the criteria of the conservative classification. There has been discussion about going to the next level. It is working but everyone would like to keep the program on the safe side rather than loosen it up. The average daily drop in the County jail is 5 inmates for the entire year of 1995.

New Jail Facility Issues

There is an all day work session with Reilly Johnson on Tuesday, January 16, 1996 at 5:00 P.M. They will be going over the schematic design process and how the project looks now. The number of beds has risen from 152 to 192 but the space will remain the same. Instead of having an 18 year projection of the facility like the Jail Advisory Committee had planned they changed it to a 25 year projection.

Don DeFord - one of the things that Dale and I discussed last week is the understanding that the Board has adopted a construction budget within the mean of the contract documents of \$7.3 million dollars and directed design in one site.

Commissioner Arbaney - we have pretty much decided on the one site but we never went to an exact amount of \$7.3 million dollars for the construction budget.

Dale Hancock - we had a number \$7,030,000.00 but that was with contemplating of leaving the work release as a renovated structure on 7th and Colorado where it currently stands.

There was a discussion of putting the work release unit on the UPL site under the same roof as the jail facility and Bob Johnson quoted the Board a price of \$7.3 million. On December 20, 1995 George K. Baum had an estimate of \$6.6 in his presentation.

Commissioner Arbaney - we had a discussion but we never truly adopted that figure. The Board requested Chuck to very carefully review the budget and financial capabilities. There was no final decision on the amount.

Don DeFord - feels that the architect is proceeding on a \$7.3 million, 192 bed facility. The amount is supposed to be set and agreed upon before the schematic design is ever started.

Commissioner Arbaney - there has been no decision on how the County is going to finance this facility. He feels that this is something that needs to be discussed and decided upon. What the Board better do is wait until after the demonstration and discussion with Reilly Johnson on Tuesday, January 16, 1996 and then the Board decides what they want to do. The Board also needs to either have a representative from George K. Baum present in person or by telephone.

Chuck Deschenes - feels that the budget is confined to what is in the Public Works Fund and Capital Expenditures until the final bills have come in and the books have been closed. There may be a little bit of money in the General Fund that can be transferred to Capital Expenditures. He would feel more comfortable about the finances and where the County is in about a month after all the books have been closed out.

Chairman Smith - her concern is that if some other site does become available, is the County paying for schematics and then have to pick it up and move it.

Dale Hancock - had a discussion with the architects concerning this and he is led to believe that it's not quite one size fits all, but it is doable.

There was discussion concerning the courts and moving them to the new facility.

U.R.S. Contract

Dale Hancock - would like to sign with *URS*. The County has a bid and correspondence for \$39,000.00 for their services during the schematic design phase. Don has reviewed the contract already. He submitted the contracts to the Board of County Commissioners for authorization. Commissioner Mackley made a motion authorizing the Chairman to sign a contract letter with *U.R.S.* from Denver for schematic design phase services in the amount of \$40,930.00 Commissioner Arbaney seconded the motion; carried. Commissioner Mackley amended the motion to the amount of \$39,940.00 not to exceed \$40,930.00. Commissioner Arbaney seconded the motion; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Sherry Tonozzi - New Jail Facility

Sherry Tonozzi - hopes that before the Board of County Commissioners goes through all the work and when making any decisions they keep their minds open to other peoples feelings and ideas. Things have changed since the time the County purchased the *UPL* Site. There are many transportation and growth issues in Glenwood Springs at the present time. She wants the Commissioners to keep their minds open to new ideas and listen to what the taxpayers are telling them.

Commissioner Arbaney - there is another side to that story also Sherry, since this has started I have had no less than 50 phone calls requesting that the Commissioners stand by their guns on the facility and the site chosen. If the facility has to be moved, it will be the citizens of Garfield County that will be paying for the move.

Sherry Tonozi - well, its the citizens of Glenwood Springs that have to live here.

Commissioner Arbaney - I am also a citizen of Glenwood Springs and so were the citizens that called me and said that the Commissioners need to stick to their guns.

Chairman Smith - when you ask for an open mind on our part, I think you should have an open mind on your part too and I haven't seen it, period.

Sherry Tonozzi - I am very open to building on the old site.

Chairman Smith - to do wise planning, you have to do long range planning and the current site is small enough that we can not build to the capacity that you want to build for long range planning on a jail.

Sherry Tonozzi - this is also long range planning for Glenwood Springs. You have to think about the future of Glenwood Springs and we are already outgrowing the site and it is going to have to expand. I don't think you can judge whether I have an open mind or not and I don't appreciate you telling me that.

Chairman Smith - well you have never changed your view point on that.

Sherry Tonozzi - I feel strongly on this and I don't think this is a personal issue. I have a lot better things to do with my time. I'm not doing this for fun and games. I care about the future of Glenwood Springs.

Chairman Smith - I think we all do and unfortunately Glenwood Springs is the County Seat and has some negative sides as well as positive sides.

Sherry Tonozzi - we had suggestions about that in the past too. I think there is a lot going on here and I think that you are choosing to ignore it and I don't appreciate being ignored.

Commissioner Mackley - we have held a total of 146 Public Meetings from 1994 -1996 concerning this facility and the *UPL* Site. He feels that 146 Public Meetings is being as open as it can get. We have to keep moving in order to satisfy the Federal Courts. We have listened 146 times to the citizens.

Sherry Tonozzi - I was not really involved in the meetings. I had given up and accepted that you were going to build the jail on the *UPL* Site until the City Council made the proposal before Christmas to buy the property. I was very upset that the sale did not go through.

Tom Dalessandri - I have said from the beginning that it does not matter where the facility is built but the Board has planned, expedited in the most economical way to try and build a facility. If you take Glenwood Springs out of the picture altogether, this is the most economical place to build the new facility. The problem is that the County is almost out of time with the Federal Court. If we go into another internal debate it will last for another 2 years and within the next 6 months if there is no market decision in terms of change in the eyes of the Federal Court, Garfield County will be building the jail anyway regardless.

Jan Kaufman - I am a member of the Jail Advisory Board and I have had a number of calls citizens along with the citizens who stop in the grocery store telling her that the Jail Advisory Board and County Commissioners need to stick to their guns. We have worked for 12 years on this with Public

Meetings on the same issue of jail overcrowding. I don't feel we have a choice especially being under the Federal Court order.

Randy Wilson - would like to express not only his but other citizens in the community opinion of the jail facility. It is greatly appreciated the studies and what all the participants have done to select the site. This is the most important decision of all. \$6.3 million is a drop in the bucket compared to what it is going to cost for the operating costs over the next many years. The operating budget is what needs to be considered very strongly. I guarantee that I can get more than 60 citizens here to the courthouse to support the County Commissioners and Jail Advisory Board on their decision. In his opinion there is no alternative site, so just build the facility on the site that the Commissioners have studied.

COUNTY BUSINESS

Library Request for Supplemental Appropriation

Steve Thomas, Dr. Law and Vi Park was present.

Steve Thomas - sent a letter to the Board of County Commissioners explaining the reason that the Library Board is present. They are in the process of upgrading the job descriptions and in the process they encountered a position that is being underpaid for the work that is done. The position was upgraded but in order to do that, the Library Board is asking that their budget be amended in the amount it would take to increase the position. The amount would be \$6,941.00 total.

Chuck Deschenes - usually do budget amendments in September and in January. Depending on the Board's feelings, a budget unit this size is very conceivable that there will be enough savings to accommodate it; and in that case a budget amendment may not even be necessary. I am in the process of generating the details of the budget. There are still a few items from the Communications' Center and Sheriff's Office that I just received. We could accommodate those changes if Steve would explain what line items he might have savings in, or he can wait until September and see where everyone is in the budget.

Chairman Smith - for the record the Board will do a budget amendment if need be in September.

DEPARTMENT HEADS

Semi-Annual Report

Georgia Chamberlain presented the Semi-Annual Report and Tax Collection for the year of 1995 to the Board of County Commissioners for Discussion and Review.

Commissioner Arbaney made a motion approving the Treasurer's Semi-Annual Report and Trustees report and also authorizing both to be published. Commissioner Mackley seconded the motion; carried.

COUNTY ADMINISTRATOR/TREASURER - RESOLUTION TO DISTRIBUTE FOREST RESERVE FUNDS

Georgia Chamberlain and Chuck Deschenes was present.

Commissioner Mackley made a motion authorizing the Chairman to sign a resolution concerning distribution of receipts from the National Forest Reserves, 1995, totaling \$357,073.71 and directing the Garfield County Treasurer to make disbursement of 95% totaling \$339,219.51 to Road and Bridge Department and 5% totaling \$17,853.66 to Garfield County School Districts. Commissioner Arbaney seconded the motion; carried.

DEPARTMENT HEADS CONT'D

Vacation Channel

Dale Hancock was present and presented the Board of County Commissioners with correspondence concerning the Vacation Channel. There are contentions expressed by 3 firms:

1. Media Consultants Dunwoody, Georgia
2. Vacation Channel Portland, Maine

3. Resorts Sports Network

There are others that are prepared to make the offer for the television equipment within the confines of the RFP that was issued.

Translator District

During the morning discussion with the Translator District Committee there was mention of a survey. Dale would like to know if the Board of County Commissioners has thought about the Sales Tax initiative that had been previously discussed for the next upcoming election. A survey might be an appropriate instrument for the County to use to see what the sentiment would be for a Sales Tax proposal in advance. Tax notices are going to be sent out very soon.

Chairman Smith - feels that would be a very good idea and wants Dale to collaborate directly with Chuck Deschenes concerning the construction of a survey for the Sales Tax.

Community Corrections - Office Space

There is going to be a retirement of a State Position in the Community Corrections Office. This office space is divided by Guy Meyer and Al Stewart. There is a significant discrepancy in the size of the office and Dale is requesting that either Guy occupy the larger office or be able to do some kind of remodel to equal out the size of the office. The retirement is going to happen at the months end and Dale would like the changes to start immediately.

Building and Planning Report

Mark Bean was present and distributed the Building and Planning monthly report for December 1995 to the Board for review and discussion.

Resolution - Scriveners Error - Jolley PUD Plan

Commissioner Mackley made a motion authorizing the Chairman to sign a resolution concerned with the correction of a Scriveners Error contained in Resolution No. 95-088 concerned with the approval of an application by Richard and Mary Jolley PUD Plan and Zone District Amendment. Commissioner Arbaney seconded the motion; carried.

Acknowledgment of Satisfaction Subdivision Improvements Agreement - Los Adobes Joint Venture

Commissioner Arbaney made a motion authorizing the Chairman to sign an Acknowledgment of Satisfaction Subdivision Improvements Agreement for Los Adobes Joint Venture in the amount of \$51,000.00. Commissioner Mackley seconded the motion; carried.

Town of Carbondale - Annexing 4.9 acres land

The Town of Carbondale is annexing a piece of land by the Crystal River Limited Partnership. The property is approximately 4.9 acres in size and is located west of Highway 133 and north of the Crystal River Hatchery. Mark Bean presented an annexation report and resolution.

Town of Carbondale - Annexing 36.53 acres land

This is another request from the Town of Carbondale who is annexing another piece of land known as the Old Smith Property south of the fire station.

This is 36.53 acres in size and was the property where the Charter School was to be built.

Town of Parachute - Annexing of the Borsch Property

Robert Borsch is requesting annexation of the property that is located due west of the Town of Parachute, 161.223 and 109 acres. County Road 215 is the access road to the property. The Board of County Commissioners have no comments.

Extension Request - Jean & Glaphy Spear

Commissioner Arbaney made a motion approving a request from Jean & Glaphy Spear for a 6 month extension on their subdivision application. Commissioner Mackley seconded the motion; carried.

Acknowledgment of Partial Satisfaction of Subdivision Improvements Agreement - Aspen Glen Golf Company

Commissioner Arbaney made a motion authorizing the Chairman to sign an Acknowledgment of Partial Satisfaction of Subdivision Improvements Agreement for Aspen Glen Golf Company in the amount of \$1,339,050.00 in the form of a letter of credit.

Cellular in the Community Award to Parachute Police Department

Craig Goudy with AT&T, Dave Higuera Parachute Police Department, Don DeFord, and Chuck Deschenes were present.

Craig Goudy - The award will actually be presented in Pitkin County with the Ski Country Amateurs Radio Club. Phone and unlimited air time for 2 year period is provided through the program. He feels that this helps identify with non profit organizations as well as public entities. There were 300 applications submitted for this years award and 24 applicants were selected.

PUBLIC MEETING - SB SUBDIVISION EXEMPTION - LOCATED IN NO NAME

APPLICANT: SUSAN QUEVEDO

Don DeFord, Eric McCafferty, Philip Long and Susan Quevedo were present. Don DeFord determined that adequate notice was given. This is a request exemption from the definition of subdivision for Susan Quevedo located approximately two (2) miles east of Glenwood in No Name.

Recommendations:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plant shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption.
4. That the applicant shall submit \$200.00 in School Impact Fees for the creation of the exemption parcel.
5. That the applicant apply for and receive the necessary "shares" of water from the No Name Creek Water Association and provide for the infrastructure necessary to provide sufficient water to the exemption parcels.
6. That the following plat notes be included:
 - a. "Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."
 - b. "The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in *"Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners,"(Colorado State Forest Service)* shall be used to determine defeasible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
 - c. "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."
7. The control of noxious weeds shall be the responsibility of the landowner.
8. Due to the use of individual sewage disposal systems and applicable regulations mandated by the Garfield County Zoning Resolution of 1978, as amended, any and all lots created through this petition shall be a minimum of one (1) acre in size.

Philip Long - The No Name Association requested that Susan upgrade the 2" water line to a 6" water line and there is not easement or access to the water line.

Commissioner Mackley made a motion approving an exemption from the definition of subdivision for Susan Quevedo located as described in the Staff Packet with all major issues, concerns, suggestive findings and recommendations listed including the following:

5. Prior to issuance of building permits, the applicant must demonstrate that all upgrades to the water supply line have been completed to the satisfaction of the No Name Creek Water Association.
9. That the applicant receive approval from the Colorado Department of Transportation for any new or altered driveways.

Commissioner Arbaney seconded the motion; carried.

DISCUSSION WITH ROAD AND BRIDGE/SHERIFF - SNOWPLOWING

King Lloyd, Jim Stevens and Jim Sears were present.

King Lloyd - there was a joint meeting last week with Communications, Sheriff's Department and Road and Bridge to discuss the process of trying to facilitate travel on County Roads and respond to emergencies. There were some things discovered that everyone could cooperate on that was not known before. The main issue that came up as a continued discussion was the snowplowing and sanding policy for the County. To the best of Road and Bridges knowledge they are operating under the policy and directive they received from the Board of County Commissioners last year, given the budget constraints that were and are given. King has the perception of Road and Bridge being able to go out on County Roads, should conditions deteriorate to a practically impassable state during the night when shifts are not regularly covered. King distributed copies of the policy that was given to Road and Bridge last year, and that they are working under.

Jim Sears - The position of the Sheriff is, if there was a situation where people can not get up a road or a deputy is dispatched to observe the seriousness of the road condition; the deputies would be trained by Road and Bridge staff to the fact of knowing what to look for and be able to determine if the Road is a danger and needs Road and Bridge to take care of it and omitting a Public Safety problem.

Chairman Smith - One of her big concerns is whether or not the Sheriff's Department is going to start writing tickets.

Jim Stevens - what the three of us were discussing was the possibility of a pro-active approach between the Sheriff's Department and Road and Bridge.

Chairman Arbaney - I do not want the Sheriff's office to have the ability to tell Road and Bridge Employees that they have to go out and sand or plow. He wants that to be a Road and Bridge decision totally.

Jim Sears - this is not an every time or every day occasion, this would only be for certain situations when they come up.

King Lloyd - what he heard is that after hours on County Roads there was a concern that in the event that someone had to respond to an emergency and the road conditions were deteriorating what would be the bottom line for calling out the Road and Bridge Department. There is a need to limit this specifically to arterial roads.

Chuck Deschenes - I have no problems in trying this for a while and getting feedback from King to see how it is working. He would like to know if all of the Sheriff's Deputies have been through winter driving and do the vehicles have the adequate means for winter driving.

Jim Sears - some have and some do not.

King Lloyd - I think it is a good idea for my foreman to go and meet with the Deputies and explain what are the Road and Bridges capabilities. There still needs to be an understanding of the potentially no matter what road it is in the County, that after a certain time in the evening there are no more calls.

Jim Sears - one of the things that was discussed is if the Deputies see a bad road they will call into dispatch so when the road supervisor comes on in the mornings dispatch can let him know the road situation and the supervisor will not have to go out and recheck the roads.

Commissioner Arbaney - there are sand barrels on most of the County Roads and the Deputies could throw some of the sand out onto a slick spot in the road.

Chairman Smith - I think that 9:00 P.M. should be the cut off time to call the foreman concerning the roads.

DISCUSSION ROAD AND BRIDGE/COMMUNICATIONS

King Lloyd and Jim Stevens was present

King Lloyd - explained to the Board of County Commissioners that the Road and Bridge Department has been operating out of character with the license on the radio communications. Jim asked King some questions that he could not answer. One of the questions that King had is if there was a possibility to receive money from a surplus sale to facilitate the radio conversion.

Jim Stevens - pulled up a memo from Dale Hancock dated in 1991 but most of the prices are still current. The appropriation that was made in 1991 was \$24,000.00 to buy repeaters and to put radios in cars. The brunt of the cost will be adding additional repeaters to existing sites allowing Road and

Bridge their own frequency, because currently they are using the Emergency frequency. There is a safety conflict by using this channel. If new equipment is bought, he estimates the cost around the \$19,000.00 range. Jim is presently looking around for used equipment that can be used and save some money. He needs some direction from the Board that his efforts in attempting to try and help out King and the Road and Bridge Department is not in vain.

Commissioner Mackley - would like to have Dale Hancock available to discuss this because he is the one who is handling all of it.

Jim Stevens - I have discussed this with Dale and he is interested in helping out wherever he can. He and I have been working closely together on the Kimball Mountain Site, but it is an issue that Jim feels that the Commissioners need to be aware of.

Chairman Smith - suggested that Jim Stevens, King Lloyd and Chuck Deschenes get together with Dale Hancock and discuss it.

DISCUSSION - DENVER, RIO GRANDE & WESTERN RAILROAD CORRIDOR

Chuck Deschenes, Don DeFord, Reid Haughey and Tom Newland were present.

Reid Haughey - distributed a letter of intent and a letter from R. L. Banks and Associates who are the Railroad Consultants and this letter specifically addresses title issues, to the Board of County Commissioner to review. He went over both letters with the Board. The title work is done by a bargain and sale deed. This is not a warranty or quit claim deed. If we were to try and ask Southern Pacific to abandon their current Wye and move it somewhere else, that can be done if we cover all of the costs. There is a Fiber Optic cable and it is owned by Quest which is a successor to SPT Telecom. The easement for Quest is in with Southern Pacific permitting construction over the Fiber Optic Line.

Don DeFord - the reserved rights of the Railroad also allows them to use the line to supply service to their customers.

Reid Haughey - this was not discussed and it needs to be brought up because they do not intend on having any customers on the line. There is no obligation to maintain the railroad track after property is purchased.

Chairman Smith - has questions concerning the title and deed.

Reid Haughey - our impression is that the ownership and title support that goes with the line is very good and much of what is being seen is the difference between buying land on the railroad and the kinds of real estate transactions that has been pursued in the past.

Don DeFord - do you have any estimates on the costs of title, cost of insurance and cost of title research?

Reid Haughey - can't give you a reliable figure at this point.

Tom Newland - at this point we have up to \$100,000.00 for the environmental work, the title work was estimated at \$30,000.00. He hopes that after attending the Mayors/Managers meeting they will have a rough idea of the cost.

Chuck Deschenes - had a discussion with Tim Sarmo and he went back to the original letter that contemplated an agreement within 2 years. Chuck feels that Garfield and Pitkin County should write letters and ask for an extension of a 1 year period.

FAIRGROUNDS - HEATING IN THE SOUTH HALL

Chuck Deschenes presented the plumbing and heating bids for the heating in the South Hall. The lowest bidder was B&B Plumbing at \$8,400.00, but there will be some additional costs due to having to reset some of the meters and running new line. Mike McBreen is recommending that the Board award the bid to B&B Plumbing. Commissioner Arbaney is against putting heat in the South Hall at this point and time. He feels that the fence should be finished first. There was no decision on the recommendation.

ROAD AND BRIDGE DISCUSSION

King Lloyd, Kenny Gardner, Marvin Stevens, Ron West and Chuck Deschenes were present.

Discussion of Salary/Job Reclassification

King Lloyd - explained that he went through and reclassified all of the Road and Bridge employees and their job descriptions. Due to this there is the ability to give the employees a raise. The problem that

has arisen in all of the spreadsheets is the classifications of Road and Bridge employees got turned around. When Royce Arbor came in and done a study on Road and Bridge Employees they classified them as "Operator 1", "Operator 2", "Lead Operator" - Assistant Forman, etc. King has discussed this with Lisa Cain but what has happened is that the majority of the operators on the spreadsheets that the Personnel Committee used was classified as "Operator 2", and the fact of the matter is that the majority of the Operators in Road and Bridge are "Operator 1" not "Operator 2". As currently classified there are only two (2) "Operator 2" in Garfield County. King had worked with the Sub Committee of the Personnel Committee which consisted of Steve Rippy, Colette Barksdale and Lisa Cain. At that point in time everyone was in agreement that the job description upgrades were within order and there was no conflicts. Due to the lack of information that the Personnel Committee had in terms of salaries within Road and Bridge the upgrading that was done to some employees positions in the County was just by advancing the employee in the job description system. King distributed the information that was distributed to the employees of Road and Bridge showing that there was a 7.5% salary increase which there was not.

Commissioner Arbaney - in this budget season all of Garfield County employees received a 2.5% salary increase across the Board. Then there was a 5% equity adjustment.

Chuck Deschenes - the extra 7.5% was the equity adjustment depending on how far deviated from market salary each employee was.

King Lloyd - the spreadsheet that he received from the Personnel Committee showed that basically for the "Operator 1" and "Operator 2" it was either 2.5% increase or 7.5% increase. Since the 7.5% and the 2.5% was approved, he took the total amount of money that Road and Bridge had and tried to adjust it to see what else could be possible within the budget. King's primary objective was to try and even out the salary increases the best way he could between all of the Road and Bridge Employees. He presented the Board of County Commissioners with a worksheet of the adjusted salaries and there was discussion on how King arrived at the figures that was on the worksheet. King also discussed promotions and wages with the Board.

Highway Users Fund - Roads

King Lloyd - told the Board that the Buford Road all the way across the Flattops is considered Highway Users Road. The Highway Users Road does not stipulate that the Road and Bridge Department do winter maintenance. It is only that they do some maintenance during the course of the year. Several years ago we attempted to inventory and check the categories of all the roads throughout Garfield County according to the Highway Users and in that process there were several roads in every district that were getting maintenance and were not even on the Highway Users. Starting in 1985, Garfield County made the decision that any further development in the County, those roads would not be maintained. 1976 was the last time any entry was made relative to the road by the dry-dock area according to the Highway Users log. The Glenwood Road and Bridge Department has done maintenance on the road after 1976 even though it is listed as a County Road but not County maintained.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY ONE AND ONE-HALF (1.5) MILES SOUTHWEST OF SILT. APPLICANT: LEVY E. BURRIS, JR.

Eric McCafferty, Don DeFord and Levy Burris Jr. was present. Don DeFord determined that adequate notice was given. This is a request for an exemption from the definition of subdivision for Levy E., Burris, Jr. located approximately 1.5 miles southwest of Silt.

Recommendations:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plant shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.

4. That the applicant shall submit \$200.00 in School Impact Fees for the creation of all exemption parcel.
5. That the following plat notes be included:
 - a. "Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific *ISDS* needs on the site."
 - b. "The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in *"Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners,"*(Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
 - c. "The approval of this exemption and the lots created was made without the demonstration of an adequate, physical water supply to serve the lots. It will be required that, at time of building permit submittal, the building permit applicant demonstrate to the County Planning Department that adequate legal and physical water in terms of quality, quantity and dependability exists."
 - d. "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."
 - e. "Portions of this property lie within the designated Floodplain of the Colorado River. If any development is proposed for the area within the designated Floodplain, it will be subject to applicable County, State and Federal Review and permitting."
7. The Control of noxious weeds shall be the responsibility of the landowner.
8. The applicant shall receive any necessary driveway permits, for each lot created, from the County Road and Bridge Department, prior to signing of an exemption plat.

Don DeFord - the split by the highway is one of the exceptions to the rules. It allows Levy two additional splits of his property, which would be a total of six splits because of the fact it is considered a split by natural feature.

Commissioner Arbaney - talked about the water in the area.

Levy Burris - there is a well on the property that has been drilled in the past 3 years. I have surface water rights to the property for the State Well Permits and I entered into a contract with West Divide Water Conservancy District. It is Levy's intention to service the lots with individual wells and has all of the contracts.

Don DeFord - the contracts would provide a legal source of water but there is no evidence of a physical source of water.

Levy Burris - the well was drilled by Collins Drilling and the well is 50 ft deep and under the Colorado River Alluvium water supply.

Discussion continued: *Don* indicated it was up to the Board to determine how the legal and physical source of water supply was available but this was a requirement in the regulations.

Levy Burris - submitted that the copies of the West Divide Water Conservancy District for the legal access on the water were provided to the State for the water permits - thus far he has not received anything back from them. Russell George has informed him that everything is complied with State requirements for the well permits for the individual sites.

Don stated in the past the Board has accepted West Divide Contracts prior to the issuance of well permits where the West Divide Contracts are issued by Ruedi Water as these would.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to continue this meeting until February 13 at 3:15 P.M. to allow Levy Burris to obtain the appropriate documents

to satisfy the requirements of the County in regard to the issue of proof of existing legal and physical source of water with respect to this request; carried.

(CONTINUED) PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED IN CANYON CREEK APPLICANT: WILLIAM BULLOCK

Eric McCafferty, Don DeFord, William Bullock Jr., William Bullock Sr., were present. This is a continuation for a request for an exemption from the definition of subdivision for William Bullock located approximately 1.5 miles north of Interstate 70 on County Road 137 (Canyon Creek Road).

Recommendations:

Staff recommend **APPROVAL** off the application, subject to the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption.
4. That the applicant shall submit \$200.00 in School Impact Fees for each lot created.
5. If water is to be provided to the exemption parcel from or across the existing parcel, then all necessary easements will be required prior to signing of the exemption plat, including but not limited to, crossing County Road 137 and the Williams Canal.
6. The Control of noxious weeds shall be the responsibility of the landowner.
7. That the following plat notes be included:
 - a. "Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific *ISDS* needs on the site. Furthermore, building site development on the exemption parcel should be done in consultation with a qualified engineering geologist in an effort to mitigate problems which may be caused by the steep slopes on this property."
 - b. "The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in *"Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners,"*(Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
8. Approval from County Road & Bridge regarding the intersection of County Road 137 and the driveway that will provide access to the exemption parcel, prior to the signing of a Final Plat.
9. It will be necessary to receive the appropriate easements regarding the Williams Canal prior to signing of an Exemption Plat.
10. That all necessary and appropriate water documentation and contracts regarding well permits and augmentation water be issued by the appropriate agencies, prior to the signing of an exemption plat.

Gregg McKennis of 1272 County Road 240, Glenwood appeared before the Board. The first document presented is a copy of a lawsuit filed against the Williams Canal Company for maintenance. The second document is an affidavit from one of the Garfield County Road and Bridge department describing the type of maintenance problem that not only the Williams Canal Company but also Garfield County and we see no reason to believe that these issues are not important to this proceeding. At the last hearing we were told by the applicant and by the prospective purchaser of this property that they would oppose our on-going maintenance and the Board has in front of you today on the record the type of maintenance that we have tried to do in order to avert outstanding damage both to the Williams Canal and to the Garfield Road System. That there has been at least \$10 - \$15 thousand worth of county funds expended in the last year to avert this very problem, in fact they were up there

again two weeks ago county personnel and I believe it is something the Board needs to look at. The Board has in front of them a letter from the last meeting signed by Gregg McKennis and Harley Rippey and their request. Mr. McKennis stated he had met with Mr. Bullock and they have made no offer whatsoever to in any way address our concerns contrary to Ms. Calio's letter of December 19, 1995 where it states she and the applicant will be contacting Mr. Bullock - this has not occurred. The request now before the Board involves not only crossing the ditch, but they want to somewhere stick a pipe under it for a leach field. This ditch serves some of the most highly productive agricultural land in Garfield County. Mr. McKennis was encouraging the Board to exact some sort of compensation on their part, and a plea for the Commissioners to recognize the damage that is a possibility by allowing this request to go forward.

Bill Bullock of 1548 137 Road, Glenwood stated he had met with Greg and discussed possibilities of working out their differences. However, the proposal offered by Greg McKennis was unreasonable in Mr. Bullock's estimation. The proposal was outrageously expensive and more or less an McKennis way or no way. Efforts were made to reach a compromise without success.

Greg McKennis disputed Mr. Bullock's statements of the facts that a compromise had been attempted to be reached.

A great deal of discussion ensued over the opinions of these two gentlemen.

Commissioner Mackley voiced his concern over the disputes. However, his main concern was not over the ditch/canal disagreement. He felt the problems with the ditch could be worked out if the Commissioners were going to move forward on this request.

Mr. McKennis voiced his consensus with Commissioner Mackley that he too did not want to see the ditch as the obstacle, he wanted a fence at the very least at a reasonable height and to take into account that the ditch was there first. Mr. McKennis felt this would be a continual fight until this one issue over the ditch was resolved.

Commissioner Arbaney stated the Commissioners had looked at the property shortly after the matter was heard the first time and came to the same conclusion that Mr. Bullock's request did not meet the requirements of the distance of the leach field in comparison to the ditch without boring under the ditch. Commissioner Arbaney expressed that the dispute between the two parties could be resolved very simply by boring under the ditch with piping but as for solving the problem of someone falling into the ditch, this would never be easily prevented.

Mr. Bullock stated he had looked at the requirements and criteria by the Planning and Zoning to accommodate his proposal and felt this could be shown.

Attorney Colia requested a continuance in order to prepare and show the Board the variance procedure. She expressed that the Board cannot simply deny the application because of a lack of one acre of flat ground out there, rather the Board should look at all the things and look to see if the procedure addresses the concerns expressed here in the hearing. She expressed the possibility of mitigating the differences and presenting this to the board if they will grant a continuance.

Don DeFord provided input into the negotiations by stating some proof of water, a physical supply was necessary, because it is apparently not meeting standards. At least four separate reports set forth in your own regulations. It is possible to continue if the Board so chooses, but the Board is not required to grant a continuance either.

Commissioner Mackley interjected that Bullock would need to cut and fill for this proposed flat spot. He questioned how much cut and fill will it be and how will it look.

Attorney Colia stated it was only a 20% slope. Bullock mentioned it was common to do this.

Commissioner Mackley stated he was in favor of healthy growth in the County, but did not view this as healthy. Further, he stated the backlog for engineering was heavy and the proposals for SB Exemptions needed to be complete prior to submitting to the Commissioners for a hearing. He stated there is a consistent updating of the regulations in order to have contractors aware of what is necessary prior to filing for an exemption.

Don DeFord interjected there are standards set forth so it is always the decision of the applicant whether they want to present the information or not on what is required by your regulations. Therefore, to ask this board to make a decision when they haven't presented the information required places the board in an unfair position.

Commissioner Arbaney made a motion to deny the application and Commissioner Mackley seconded. Discussion. Commissioner Arbaney justified his actions by stating he likes the exemption but is a strong believer in the correct process such as using engineers and surveyors and having necessary reports submitted with the application. Commissioner Mackley affirmed there were too many issues to resolve in a continuance, and suggested a re-submittal of a new application. Motion carried.

BOARD OF HEALTH

Commissioner Arbaney made a motion for the Board of County Commissioners to adjourn and reconvene as the Board of Health. Commissioner Mackley seconded the motion; carried.

Margaret Long, Mary Misner and Mickey Rimmel were present.

Healthy Beginnings - Receiving Money

Healthy Beginnings is receiving money for the 1996 year from the City of Glenwood Springs and Eagle County because of the patients that come in from El Jebel and the Town of Carbondale. Healthy Beginnings is meeting its mission and there was 137 births in 1995. There were 11 women that was treated for preterm labor and 10 were successfully brought to term and the 1 delivered. There were 2 babies that were born under the March of Dimes Health Weight. This averages out to about 1.5 % for preterm births.

Commissioner Arbaney made a motion for the Board of Health to adjourn and reconvene as the Board of County Commissioners. Commissioner Mackley seconded the motion; carried.

MOUNTAIN VIEW BUILDING

Margaret Long and Don DeFord were present.

Change Order Contract - Chuck Brenner

Commissioner Mackley made a motion authorizing the Chairman to sign a Contract Change Order to Brenner Harr PC Architecture in the amount of \$5,435.00 allowing Chuck Brenner to manage the construction phase of the Mountain View remodeling and to take the lead and direct any public presentations that will be needed with the City of Glenwood Springs not to exceed \$3,000.00 for presentations. Commissioner Arbaney seconded the motion; carried.

Margaret Long - the Department of Social Services will be paying for this and it will not be coming out of the General fund.

Courtney Petre

Don DeFord - Courtney Petre contacted Don concerning the property of the Mountain View Building and he related to Courtney the discussion that Don had with the Board. She wants permission on behalf of her Board to get a fair market appraisal of the Mountain View Property, but they did not want to proceed to get an appraisal if the Board of County Commissioners did not approve.

Commissioner Arbaney - the property is not for sale.

Don DeFord - will tell Courtney that if she wants to get an appraisal that is her decision but the Mountain View property is definitely not for sale.

EXECUTIVE SESSION - CONSENT DECREE, RECENT PARTICIPATION OF THE ACLU

Commissioner Arbaney made a motion for the Board of County Commissioners to go into an Executive Session to discuss the Consent Decree and recent participation of the ACLU. Commissioner Mackley seconded the motion; carried. Commissioner Mackley made a motion for the Board of County Commissioners to come out of Executive Session. Commissioner Arbaney seconded the motion; carried.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY TWO (2) MILES NORTHEAST OF SILT APPLICANT: ANTHONY "JOE" ZELENKA

Eric McCafferty, Don DeFord and Anthony "Joe" Zelenka were present. Don determined that adequate notice was given. This is a request for an exemption from the definition of subdivision for Anthony "Joe" Zelenka located approximately two (2) miles northeast of Silt, along County Road 238. Recommendations:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption.
4. That the applicant shall submit \$200.00 in School Impact Fees for the creation of each lot.
5. That the following plat notes be included:
 - a. "Soil conditions on the ;site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."
 - b. "The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners,"(Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
 - c. "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."
 - d. "This exemption was approved based on the use of central well and shared water system. There is no assumption that a household use only well will be a dependable water supply. Any purchaser of a parcel of land that was created by this exemption reserves the right to use the proposed central water supply."
 - e. "No further divisions by exemption will be allowed."
7. That the applicant adhere to the suggestions made by the Burning Mountain Fire Protection District and consult with the District prior to construction in an effort to guarantee access by emergency vehicles.
8. That the applicant demonstrate the physical quality, quantity and dependability of the shared water supply by doing the following (if not done already) and presented prior to approval of an Exemption Plat.
 - 1) A well be drilled and a 24 hour pump test shall be performed;
 - 2) The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;

- 3) The results of the 24 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
- 4) A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
- 5) An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person per day;
- 6) If the well is to be shared, the provision for a 5000 gallon water storage tank as suggested by the Fire Protection District.
- 7) A discussion of the mechanical components of the shared well system to include the pump, water supply line, storage tank, and other components (for shared well systems);
- 8) A legal, well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made (for shared well systems);
- 9) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

Anthony Zelenka - tried to fulfill all the requirements that was on the exemption process that Eric presented to him.

King Lloyd - there has been some problems with Mr. Zelenka and another neighbor concerning the County Road Right-of-Way. King is still trying to get surveying information for the road.

Commissioner Mackley - there needs to be a plat note that the County will not maintain .68 miles of County Road 238.

Commissioner Arbaney made a motion and Commissioner Mackley seconded approving an exemption from the definition of subdivision for Joe Zelenka located as described in the Staff Packet with all major issues, concerns, suggestive findings and recommendations listed including the following:

6. f. "The initial .22 miles of County Road 238 shall continue to be maintained by the County, the remaining .68 miles shall be maintained by the applicant and/or any future owners of lots created by this subdivision exemptions."

Motion carried.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY ONE (1 MILE NORTH OF CATTLE CREEK APPLICANT: ERNEST FYRWAL

Eric McCafferty, Don DeFord, Ron Liston and Ernest Fyrwal were present.

Ron Liston - is here representing the applicant and there is a flaw in the Public Notice that they were anticipating a waiver and it did not show up so the applicant would request to renote the Public Meeting.

The Board of County Commissioners approved the request for renote.

EXECUTIVE SESSION - CONSENT DECREE

Commissioner Arbaney made a motion for the Board of County Commissioners to go into an Executive Session to discuss the Consent Decree. Commissioner Mackley seconded the motion; carried.

Commissioner Arbaney made a motion for the Board of County Commissioners to come out of Executive Session. Commissioner Mackley seconded the motion; carried.

COUNTY ADMINISTRATOR

Bills

Commissioner Arbaney made a motion approving the bills for the month of January 1996, 1st run. Commissioner Mackley seconded the motion; carried.

(CONTINUED) WEST GLENWOOD SANITATION GRANT REQUEST (REGIONAL 201 STUDY) APPLICANTS: J.B. FLOOD ENGINEERS/SCOTT LESLIE

Mark Bean, Don DeFord and Jim Flood were present.

Mark Bean - has been participating with West Glenwood Sanitation and the City of Glenwood Springs on the development of a 201 plan initiated as a result of West Glenwood's Sanitation District need to start planning for additional facilities. Part of the program included a sum of \$35,000.00 that comes from the State Department of Health and the State can not give the grant directly to the West Glenwood Sanitation District. They must give it to a public entity to administer the grant. This is a regional grant and does deal with regional problems. Mark feels that he could handle this and he is volunteering to be the administrator of the fund.

Jim Flood - this does require a Public Hearing. The 201 is a planning document that will be used in for reviewing proposals that come up within the study area. On the East this expansion would take in the No Name area, on the West it will extend to Mitchell Creek, to the South it will extend to the Aspen Glen Sanitary System boundary and it will also extend up Four Mile Road taking in all residents and continues to the Sunlight Ski Area. Sunlight does not want to be put on the system because they do not see their Ski Area expanding in the next 20 years. We are doing conceptional level designs of interceptor sewers and treatment plant alternatives for both the City of Glenwood Plant and the West Glenwood Plant.

Commissioner Mackley made a motion authorizing the Chairman to sign an agreement between the Board of County Commissioners and West Glenwood Sanitation District after agreement is reviewed by the County Attorney and a Resolution from the Board of County Commissioners authorizing the West Glenwood Sanitation District to apply for a grant fund from the State of Colorado. Commissioner Arbaney seconded the motion; carried.

EXECUTIVE SESSION - DISCUSSION INCIDENT THAT OCCURRED AT THE COUNTY COURT HOUSE EARLIER IN THE DAY.

Commissioner Arbaney made a motion for the Board of County Commissioners to go into an Executive Session to discuss an incident that occurred at the County Court House earlier in the day. Commissioner Mackley seconded the motion; carried. Commissioner Mackley made a motion for the Board of County Commissioners to come out of Executive Session. Commissioner Arbaney seconded the motion; carried.

EXECUTIVE SESSION - DISCUSSION OF PERSONNEL LITIGATION

Commissioner Arbaney made a motion for the Board of County Commissioners to go into an Executive Session to discuss personnel litigation. Commissioner Mackley seconded the motion; carried. Commissioner Mackley made a motion for the Board of County Commissioners to come out of an Executive Session. Commissioner Arbaney seconded the motion; carried.

E-911 STATUS

Don DeFord - was asked to respond to a letter concerning the E-911 and stating that they are a separate governmental agency. In the process of looking at this Don found that the County is not legally a member of E-911. At the end of 1994 the County provided notice to E-911 that they were withdrawing unless a solution was presented before date of termination. There was never any official withdrawal of the letter, nor has there been a membership board agreement rewritten. Commissioner Mackley made a motion authorizing the Chairman to sign a resolution authorizing the County to participate in the E-911 Authority. Commissioner Arbaney seconded the motion; carried.

Sunlight Bridge Letter

Don DeFord discussed the Sunlight Bridge letter to the Board of County Commissioners. Don, Andrew McGregor, Teresa Williams, Steve Smith, Marge Stewart, Chuck Stoddard and Fred Gerbaz all met on the property and discussed the existing uses of the property and no one seemed to object to the current uses of the property. The result was that everyone agreed on the following:

1. Don agreed that the County will join with Fred Gerbaz in applying for a Special Use Permit that will be confined to the current area of use which is around 6,000 to 7,000 square feet.
2. Depending on what special conditions are going to be attached to that SUP, Fred will go ahead and purchase the entire site from the County, which would range from the Bridge to the automobile dealership, keeping in place the SUP for the part Fred really uses.
3. There will be a boundary line adjustment so there is not an actual subdivision so Fred's property will then encompass the part he uses and then donate the rest to the City of Glenwood Springs so they can do with it what they see fit.
4. Fred will pay the County Fair Market Value based upon his rental proposal.

Adoption of UBC 1994 Code

Van Hoose presented the UBC 1994 Code before the Board and explained the procedure for charging for building permits. He explained there was no need to adopt the fee schedule.

Adjournment:

Commissioner Arbaney made a motion and seconded by Commissioner Mackley to adjourn the meeting at 6:40 P.M.

JANUARY 22, 1996
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, January 22, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator - Chuck Deschenes and County Clerk and Recorder - Mildred Alsdorf.

CALL TO ORDER

Chairman Smith called the meeting to order at 8:03 A.M.

COUNTY ATTORNEY

County Attorney Don DeFord reported he will be in Court at 10:00 A.M.

COUNTY ADMINISTRATOR

County Administrator Chuck Deschenes presented his report which included: The lease with Garfield Youth Services at 902 Taughenbaugh Blvd., Rifle; and the lease with Inter-Faith Team on Unemployment and Poverty (Lift-Up).

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to accept these two leases - Garfield Youth Services and Lift-Up - as approved. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to appoint Chairman Marian Smith and Barbara Brown to serve on the Health Pool Board. Carried.

Recycle Now with BFI that was discussed at the Personnel Meeting. This is BFI's proposal for the recycling. The trash is usually bid in May. There will be a representative coming under the Comments from Citizens Not on the Agenda at 9:30 A.M. today. The journal entries were given to the Commissioners to review. Sign Committee at the Fairgrounds: Commissioner Mackley stated several have donated - Snyder Oil, Alpine Bank, and Swallow Oil. Alpine Bank has suggested having a savings account or run through the County. Chuck was directed to contact Bob King. The County will only need to come up with \$1500 dollars toward the sign with a savings of \$1000. Chuck explained the Fairgrounds Committee and commented on how Commissioner Mackley did a great job of promotion in this endeavor. A letter from Mary Sue announcing her resignation from the Extension Office. Chuck reported Holly will be in today under Department Heads to address this issue with the Board. Some candidates requested County financial information. Chuck supplied then with copies of the budget resolution.

BUILDING AND PLANNING

RFTA

Building and Planning Mark Bean presented information on the Roaring Fork Forum regarding the RFTA (Roaring Fork Transit Agency) meeting he attended last week. One topic of discussion was the transportation development plan. RFTA updates their plan every five years and it is due to the State agency by April 1996. The initial effort was started last Fall with data gathering and coming before the Commissioners at which time Mark was appointed to participate. RFTA's report focused on analyzing the different types of services, what's here, what exists, what deficiencies there are and the next step will be to decide where they should consider going and what services to offer. Basically after discussion, they determined a possible commuter all day to Parachute. RFTA is not necessarily saying they will provide this service, but to basically determine the particular service that can be offered for a specified cost. This is based on RFTA's numbers. One catch is this - RFTA does not include the capitol expenditures; this is operating costs only. In that sense, with capital expenditures aside, somebody can provide this service, be it private sector or RFTA.

The Trolley turned out to be a more expensive package than originally thought. This cost RFTA a lot in terms of dependability and ridership. RFTA looked at two different pieces: (1) Dollars around commuter services from Glenwood Springs to Rifle (morning and evening only) as being the best. This other would help move people around Glenwood Springs. The data collected indicated more people coming to work in Glenwood Springs from the Rifle area and is contributing to some of the congestion experienced. 45 passengers can take 30 cars off the road; and (2) the issue of year round two-bus - what they call a check point service which basically allows small variation off of the fixed route. If one was to call in advance they can go pick up passengers a block or two off if the person is disabled. Also discussed included: (a) extending the service in Glenwood Springs to Ski Sunlight for their ski area. A commitment was made by Jawoski to sign up because the cost factor is less than running their own busses. The essentials of this meeting were to give the State and Federal agencies, that help subsidize RFTA, some idea of the plans; and (b) The essential allocating costs among the entities that benefit from the system. Since part of the debate is who is paying for such costs and what cost benefit there is to each entity. The consensus at the request of RFTA and other individuals when through and they basically did a cost benefit analysis to try and identify who benefits on what types of factors. Then after these were determined, to be put into the formula. Apparently, something that is becoming more prevalent in large areas of service of mass transit is to all agree on a certain formula similar to what the County did in coming up with the cost of the railroad. They looked at nine alternatives. For the Roaring Fork Valley the options most favorable were those that factored in the Aspen area due to the cost of service directed by how they are developing in terms of no vehicles and discouraging the use of personal and service vehicles in the downtown area. This is creating a bigger demand for certain types of public transit. Based upon this facts, they came up with some numbers. Several factors were considered: ridership and total sales; ridership and property valuation; or common issue of ridership, valuation, and total sales but basically Garfield County's percentage in terms of existing services ranges from about 1.8% to 4.7% out of the total percentage. The numbers talked about if the County was to agree to the plan range from \$26,800 up to a high of \$70,800 depending upon which formula is used. If the subsidy was based upon total sales, Glenwood would be hit hard due to being one of the regional sales area. If they were to use that particular formula as a basis, Garfield County's deficit subsidy support would be \$713,800. The final draft is projected to be complete by the end of February. Mark indicated RFTA would be coming before the Board to present these findings and to sign off on the plan and accept it as the transit development plan for the area much the same as before.

Mark reported about another meeting he had attended for managers. A big part of that discussion was focused on the letter of intent. Part of what was coming out of this discussion related to who was handling absorbing the cost of this analysis and negotiations. Right now, Pitkin County and Aspen are absorbing the cost as part of their agreement. They feel this should reduce their proportional share of the ultimate costs in purchasing it. The discussions they have had with the railroad doesn't indicate they are willing to reduce the cost of the system to the buyer by that amount of money either. The 8.5 million was the appraised value. They spoke to GoCo about coming up with roughly 5.5 million in a legacy grant. At this point GoCo hasn't kicked it out of the loop, yet it is still not in the loop for the moneys that are available now. This request does have some consideration being given to it. GoCo is talking about the 3 million committed by the group that agreed originally to what was called the Roaring Fork Rail Holding Authority for which Garfield had the \$500,000 from energy impact funds that would go towards that as our match. The problem is that GoCo tries to use as much local money to leverage their money and they prefer to be the lower end of the match versus the large end. At this point they there are looking at a number of different sources. One thing they will be coming to this Board for is an appointed person as a representative and have a meeting of the Holding Authority. Everyone has signed a Resolution to join the holding authority but they have never had everyone sign the agreement. The need is for Glenwood Springs City Council, Basalt, Carbondale, Pitkin County, and Aspen to formalize with local officials to have more involvement in order to show more weight in regard to applications with GoCo and other entities that may be available.

Part of what came out of this also was some indication of the merger that is not an issue because this particular line has been taken out of the merger. But the concern is, if there is not a continual push for

the March 1st more formalized signing of the agreement, we may end up with different players involved.

Chuck indicated he would prepare a letter for Marian to sign regarding an extension of the \$500,000 grant.

Lake Springs PUD

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to refer the Lake Springs PUD to the Planning Commission for review. Carried.

Resolution No. 90-043 - Jim and Charlene Smith

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the chair to sign a resolution concerned with amending Resolution No. 90-043 regarding a scrivener's error. Carried.

Steve Smith appeared before the Board asking for a letter of support for GoCo for \$25,000 with a deadline of February 2, 1996 for a planning project to do a habitat study of the Roaring Fork River. Since the river crosses three counties, going through four cities and towns, by showing GoCo they have additional support it would look a lot better.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a letter of support to Mr. Sharfroth Great Outdoors Colorado for Natural Heritage Inventory of the Roaring Fork River. Carried.

Jim Bader

Chairman Smith reported she had received a letter from Jim Bader stating he would be happy to continue the relationship with the Jail Advisory Committee.

JAIL DISCUSSION

Sheriff Tom Dalessandri, County Operations Dale Hancock, County Attorney Don DeFord and Jail Advisory Board Chairman Al Maggard were present.

Jail Count

Total - 93. 34 - main jail; 45 - work release; 7 females; 2 - other jails; 4 - home detention; 1 - day reporting and 1 - DOC; and 0 - State Hospital.

Don DeFord requested an Executive Session to discuss the Consent Decree. Al Maggard, Dale Hancock, Sheriff Tom Delassandri and ACLU Frank Dubosky were requested to remain for the discussion.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into Executive Session. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session. Carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Traci Houpt - 1019 Parkwest Drive, Glenwood Springs appeared before the Board on behalf of herself as a concerned parent and a community member in the Glenwood Springs area. She spoke on the issue of the selection of the UPL Jail Site. A resolution has been prepared to be presented to the School Board Meeting Tuesday evening. She indicated there are others with the same concerns. She voiced her strong concerns in regard to the jail site which included: close proximity to the elementary school; national trend toward more violent crimes that involve children; children no longer as immune to the kinds of crime as they were 10-20 years ago; feels the elementary school is an easy target for potential victimization; children walking to and from school is in close proximity to the jail; no correctional facility in this nation is immune to the possibility to escape; voiced concern that children could be easy

targets as hostages by an escapee; feels the location of the jail site proposed would impair the community's ability to provide a safe environment for the children coming to and from school and while attending; and the letter sent to Chairman Smith indicates the School Board's willingness to do whatever possible to aid in the process of a new site.

Commissioner Mackley addressed her concerns and indicated Jim Bader was asked to be involved in the process as the school's representative. Mackley stated the Commissioners have always encouraged involvement in the process, yet at this eleventh hour, it is late to become involved. A total of 146 meetings have occurred on this issue over a period of many years. However, Mackley stated the Commissioners are working with the City in the process of negotiations.

Chairman Smith indicated City Council in previous years told the County to build your jail on your own county property.

Dale Hancock summarized the type of individual held at the county jail as one who is short-term awaiting a hearing, sentencing, or serving short sentences of less than one year.

Kay McDonald - Frontier Historical Society, 1001 Colorado Avenue, Glenwood Springs appeared before the Board regarding a grant application to be submitted to the State Historical Fund for work on the coke ovens. Currently there are two phases in the planning. The first phase involves some exploratory work with the masonry and archeological work. It will also place a temporary sign explaining the function of these coke ovens and the history of the Roaring Fork Valley. The second phase will place permanent signs. Kay mentioned she has submitted the coke ovens for National Register status. This will be decided on the 15th of February. Her request is for a County Support Page, due to the ovens being on county land, however, this does not in any way include any physical responsibility on the part of the county. Nevertheless County does need to okay the plan.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign the Frontier Historical Society grant application for the coke ovens. Carried.

DEPARTMENT HEADS

County Operations

Dale Hancock presented a letter of support from the Garfield County Jail Advisory Board stating the working committee desires to go on record as favoring jail concept plan B for further study and design work. Following the presentation by architects Reilly/Johnson on January 16, a motion was made, seconded and approved to ask the Board of Commissioners to continue work toward finalizing plans for the new jail. Members expressed unanimous support for Concept B after reviewing the four plans presented. There was some confusion about the label of the plan, however to pin it down the committee liked the plan that contained the three exercise yards on the main floor. Please also be advised the committee stands ready at any time to do whatever to assist the Commissioners in preparation and planning for construction of the jail.

Extension Office

Holly Tatnall - P.O. Box 239 - Eagle, appeared before the Board to give an update on the Extension Office. She reported the Farm Bureau decided to sign a letter of credit to back the \$15,000 and the other individual who arranged for the \$10,000 cash. This means they are set for another year. Mary Sue has tendered her resignation; A position description has been done and hopefully will have someone on board by March 1st.

Regarding office space, the Board indicated a need to work together with the District Attorney's office staff.

PUBLIC HEARING - ROAD CLOSURES - FISHER CEMETERY ROAD; CATTLE CREEK ROAD 115

The Public Hearing was postponed due to an incomplete survey. The request is for a shutdown on Federally owned land.

Personnel Issue

A motion was made to go into an Executive Session to discuss personnel issue by Commissioner Arbaney and seconded by Commissioner Mackley. Carried.

Social Services

A motion was made to go into the Board of Social Services by Commissioner Arbaney and seconded by Commissioner Mackley. Carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to come out of the Board of Social Services into the Board of County Commissioners.

PUBLIC HEARING FOR THE ADOPTION OF 1994 BUILDING CODE APPLICANT: BOARD OF COUNTY COMMISSIONERS

Building and Planning Mark Bean presented the legal notifications for the record and ascertained that all public notices were properly served. Larry Green, Art Hoaglund and Bob Fitch were present. The following exhibits were presented by Mark: Exhibit A - proof of notice; Exhibit B - staff report which included the proposed resolution and discussion; Exhibit C - Resolution No. 90-85 adopted in 1988 which is being amended; and Exhibit D - the 5 documents which are: 1994 Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, Uniform Fire Code, and the 1995 CABO One and Two Family Dwelling Code. These are proposed for adoption.

Mark proceeded to inform the Board that this was an amendment to the Resolution that adopted the 1988 Building Code and the purpose of this is to adopt the 1994 Codes. For the record, the building codes are developed by the International Conference of Building Officials; and the Fire Code is a development in conjunction with the International Fire Code Institute. All these Uniform Building Codes are amended every three years. There has been a 1991 version of these, but the Commissioners have not adopted the 1991 Codes. Therefore, Building and Planning is proposing the Commissioners adopt the 1994's even though in about 1 1/2 years the 1997 will be out. In terms of the review, which are spelled out in the statutes, five people have been appointed by the Commissioners: Clem Kopf, Bob Fritsch, Steve Boat, Don Owens and Jeff Simonson. The Board of Review would take any questions that were brought to them in terms of interpretation of the Code when the party was in disagreement with the Building Officials. This has only happened one time to Mark's knowledge here in Garfield County and that occurred in 1984-85. Building Codes are reasonable clear and are adopted by national groups. These have been reviewed by the Board of Review and the Planning Commission according to the statutes and it was agreed unanimously to adopt these Codes as proposed.

Art Hoagland, consultant to the Building and Planning Department spoke on the One and Two Family Dwelling Code as pointed at those persons doing residential construction only. Homeowners that are trying to build a place get lost in the code because there are also requirements for mercantile building, commercial, etc. where the One and Two Family Codes is directly related to the construction of the One and Two Family Dwellings. This is a good tool and makes it easier for individuals to keep on track during the entire process.

Bob Fritsch, 45855 U.S. Hwy. 6 & 24, Canyon Creek Estates, there was only one dissenter on the Review Board as to adopting the new Code. However, we all put the qualification that we would agree on as long as we knew this fee was going to help get us the adequate inspection the builders were looking for. He stated the building inspectors are running in so many directions to satisfy requests that they really do not have time to look at that building while they are on-site. They are always under pressure to go somewhere else. Right now contractors are being regulated as to days the inspectors will come out except for the area that they want to inspect. It doesn't always serve contractors and keep them up and honestly going. He further stated, I pay, I use this book in every other county. We're building and so are the other counties and this is the Bible. They are just asking you to come into conformance with all your neighboring counties.

Discussion on changes to be made included: Appendix Chapter 3, Division II - Agricultural Buildings - delete; page 10, section 107.2.2 the dollar amount was changed to \$200.00 from \$300.00. The review process is down to three inspections. And a decision to adopt fees of a 40% increase. Example - 1300 sq.ft. house and garage = 1365.41 increase would be 2002.44 and 1800 sq. ft. house and garage = 1995.46 increase would be 2824.00.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to close the public hearing. Carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to adopt the 1994 Uniform Building Code as presented with the changes noted as follows: delete - Appendix Chapter 3, Division II - Agricultural Buildings, page 7; Section 107.2.2 "two hundred dollars \$200.00" and under Section 1605.4 delete - "42 inches above 8,000 up to and including 10,000 feet in elevation." Mackley, aye; Smith, aye; Arbaney, no.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Bill Fales of 4239 Hwy. 133, Carbondale representing the North Thompson Mineral and Land Corporation was requesting a letter of support for a GoCo Planning Grant Application. The land includes most of Jerome Park and stretches over to Sunlight. This land is currently used for cattle grazing, but there is a benefit to the public as well. The Nordic Counsel uses the land for their Spring Gulch trail system, and for the Mount Sopris Rec Riders to put their parking lot and give access to the Forest Service land. Discussion has occurred regarding putting an easement on it but it's not an easy process. Of the 4200 acres, about 80% of it is in Pitkin County. Pitkin County's Open Space and Trails Board have committed up to \$3500 in cash for the planning project. Additionally approximately \$9000 of in-kind donations and some additional cash is been contributed locally.

This appearance today is to ask the Commissioners three things: (1) Letter of support to the GoCo Board supporting this planning application; (2) a small in-kind donation from the Commissioners providing the planning process with some of your GIS mapping services; and (3) a small cash token donation.

The project will basically select some home sites reserving the area; provide an permanent easement; and prohibit any more development on this ground. It will retain the benefit for grazing; retain the wildlife benefits; and it will really help the nine permittees. No one wants to change the use but to hopefully get some grants to protect the ranch in the future. This is a 30 second caption of the project.

Mark Bean injected some positive comments for this project. The Public Space Trails Committee for the area is striving to come up with a method by which encouragement for the maintenance and maintaining of open space/agricultural land is successful. This planning project is consistent toward the process.

The use of the GIS mapping service department was approved. The cash donation was denied. Chairman Smith directed Mr. Fales to some potential grants due to the historical value of the land and open space issues.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a letter of support for GO COLORADO (GoCo) for the Jerome Park Planning. Carried. Mark will be responsible for writing this letter.

ROAD AND BRIDGE

King Lloyd was not present.

Seth Fennel of 138 Road, Canyon Creek, reported he had spoken to Mr. Arbaney about one and one-half weeks ago, Mr. Lloyd last week, and Mr. DeFord a few days ago. 138 Road is 200 Feet of Canyon Creek Road, AKA Slaughterhouse Road - about 5/8 mile long. The problem he is addressing is about two years old. The County has not been maintaining this road by not plowing. When he

inquired, he was told the County had cut out about 150 - 300 miles off county road as far as snow plowing. Mr. Fennel stated he was not only speaking about his road, but for every road in the county that was not being plowed. He based this upon the "health and welfare" of the residents. He received the budget report and several other reports indicating the last several years that no gravel roads have been graded nor have any roads been tarred. Rough roads are not the issue. The issue is ambulance and fire department getting through on these roads. This concerns him for two reasons - a taxpayer and one who is at risk. Mr. Fennel requested the Commissioners check and consider this situation. In addition, Mr. Fennel offered to help with the maintenance. If the County would drop off a load of road base, he would spread it with his equipment.

RECYCLE

Georgia Chamberlain and Rich Alary, representing Personnel Committee; and Lana O'Neil from BFI, were present to give the report. This is a follow up from the recommendation of the Personnel Committee of last week as far as accepting a bid from BFI to do the recycling. In the recycle bid, it was proposed the recycle pick up would be at the UPL Building. Lana has an alternative; Rich has some concerns; therefore, the purpose of this session with the Commissioners.

Lana - instead of the UPL Building becoming the location for the recycables, Lana had some alternatives in addition to suggestions on where and how to implement this project. Basically to switch trash containers and replace with recycables, putting the trash containers in another location. The purpose is to lower the trash volume and decrease pick-up.

Georgia stated this subject would be brought before the Personnel Committee on Thursday, January 25 and a memorandum would be prepared if necessary.

PUBLIC HEARING - ASPEN GLEN PUD PLAN AND TEXT AMENDMENT APPLICANT: ASPEN GLEN GOLF COMPANY

Building and Planning Mark Bean, and Attorney Larry Green of County Road 109, were present. Don DeFord determined the proper notifications were given. Chairman Smith swore those in who would be providing testimony. The following exhibits were submitted and approved as part of the record: Exhibit A - Proof of mailing; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Comments; and Exhibit E - Copy of PUD Development Plan as submitted.

Mark Bean presented: This is a request for a Planned Unit Development (PUD) modification to the Aspen Glen PUD text and plan map for the Aspen Glen Golf Company located approximately two (2) miles northwest of Carbondale off of County Road 109 and State Highway 82. This is a 938 acre parcel to be split into tracts of land that would allow a maximum of 630 dwelling units.

The original PUD Resolution 92-056 approved requires the County and the developers to make certain road improvements to County Road 109 by December 1, 1996. The improvements required of the developer for major portions of County Road 109 adjacent to the PUD and refers to the rest of the County Road 109 to Carbondale as the Counties responsibility. Due to the funding, the County is not in a position this year to complete those road improvements. Aspen Glen is in the process of making application for other amendments because they agreed to amending or requesting amendments to the particular Resolution. Additionally the developers are requesting an amendment to Aspen Glen PUD zone district text. This is for the 1/4 acre zone district and the single family section of the Club Villa zone district. The purpose is to reduce the minimum lot width to 60 ft. from 75 ft. and to change the side yard setback to 10 ft., rather than 10ft. or one half of the height of the principal building, whichever is greater.

As a result of replacing the original golf course design, the developer is requesting changes to the certain golf holes, that will change the configuration of the golf course zone district and of adjacent Floodplain Special Use Permits. Additionally, the applicant is requesting expansion of the Clubhouse zone district from 8.6 acre to 11.2 acre in size. This results in the relocation of an 8.1 acre/81 dwelling units. Club Villa zone district to another area, adjacent to the golf course zone district, split into two

areas of 5.2 acre and 3.9 acre with a total of 74 dwellings. The other Club Villa's number of dwellings was increased from 77 dwelling units to 82 dwelling units. The 1/2 acre residential zone that was adjacent to the golf clubhouse district was merged with another 1/2 acre district and a one acre zone district was eliminated, to create a larger 1/2 Acre district of 49.8 ac. and 71 dwelling units. The existing zones for the same areas, would have allowed a total of 72 dwellings. Overall, with all of the changes in location and densities, the total number of approved dwellings for the Aspen Glen PUD, will remain the same at 630 dwellings.

Larry Green went over the same similar changes that Mark Bean presented. The first request relates to County Road 109 and as explained, Aspen Glen is simply proposing to defer road improvements for a period of time both for Aspen Glen and for the County. Instead of 1996 as the trigger, Larry is asking the trigger be when the county can participate in its share of the road improvements.; or such time Aspen Glen desires to final plat lots West of the old Midland right-of-way gas line easement on the Seivers Ranch. If they want to plat lots west of that line they recognize that this would impact Road 109 so they would have to do something to improve the road. As for engineering costs, Aspen Glen will be doing the road engineering in 1996 and billing the County for their share of that cost expecting to be paid 60 days after the bill has been submitted. They are underway in doing some of the engineering of the ditch and contemplating instead of rehabilitating Kaiser - Seivers Ditch going to water court and asking for a point of diversion of their ditch right so they can take the Kaiser-Seivers Ditch right out of the Roaring Fork River somewhere on their property and eliminate the need for the ditch along that very troublesome part of the road on Road 109. This will make it more economical for both Aspen Glen and the County when that section of Road on 109 has been reached.

Larry stated the changes as follows: page 4 of the staff report for the PUD suggests changes in the Resolution No. 92-056 be modified; and page 2 with respect to the Preliminary Plat repeats the same language with respect to 5 (A) 5; 5 (B) 1; and it also adds the same language be added to paragraph 5 (A) 1 of Resolution 92-056 and that's the way Resolution 92-056 should be amended. This is exactly the way it is on page two of the Preliminary Plat. Larry mentioned this needed to be in both places.

Larry continued to summarize the request. The remainder of the items for which they are requesting changes to the PUD relate generally to two things which have occurred: (1) switching the golf course designer to Jack Nicklaus and his design company; and (2) the other relates to really getting out on the ground and trying to understand how the Clubhouse site and Club Villas site interrelate. Per (1) Aspen Glen is asking for changes in the golf course corridor district. The presently approved PUD site plan shows these golf course corridors existing one way. When Nicklaus got out there he said, no, there needs to be some changes. None of these changes affect any lots which are subject to the approved final plat for phase I. The first one is on Hole No. 1 because Nicklaus termed the hole impossible as it was in the original plat. The second change (2) relates to Hole No. 9 which extends the zone district out further into some high ground adjacent to the river. It is their intention to construction the 9 green out on that high ground closer to the river and this will be the subject of a Special Use Permit review. Aspen Glen is presently working with the Core of Engineers, Division of Wildlife, for the necessary permits to construction that green out there. It is in the Floodplain and will have to get a Special Use Permit from Garfield County to put the fill in. That application should be submitted to the Commissioners this week. Today is the first step in changing the zoning so that the area is zoned for a golf course instead of open space. It actually reflects a slight increase in the size of the golf course zones district and a corresponding slight decrease in the size of the open space river park zone district at this location. The total acreage open space is decreased a little bit.

The other major change relates to the Golf House/Club Villa area. Refer to page 19 and 20 of the staff report. Page 19 relates to the new way, page 20 shows the now. The Club House has been moved closer to the river and the Villas are proposed to be in the upper area. Division of Wildlife liked this new plan better and removed some of the residential uses from being adjacent to the river corridors.

The Club Villas have also increased the size of the Club Villas zone district - this reduces the overall density from 10 units to the acre to 8 units to the acre. There is no change in the number of units overall, it is slightly less dense overall and better land use.

Larry requested the Commissioners approve the zone changes based upon facts presented.

George Hanilan of 648 Surrey Road, Carbondale the General Manager of the Aspen Glen Project clarified some questions by Commissioner Mackley. In Phase I, the water tank is up and running; the pump house is being worked on at the present time, the entry wall feature is nearing completion, the waste water treatment plant should be completed by April 1996, and two houses are coming out of the ground with another 4 - 5 starting in the next several weeks. These houses are in Phase I on 1/2 acre lots. The sewer/water lines will be put in 1996 as well as the driving range; the 18 hole golf course will be complete in 1997.

Recommendations:

The Planning Commission recommended APPROVAL of the proposed PUD Plan and text amendments, subject to the following conditions:

1. That the revised 1/2 Acre and Club Villa Zone Districts will be subject to an amended Preliminary Plan prior to final Platting of that portion of the Aspen Glen PUD.
2. That the minimum lot width requirement for the 1/4 Acre zone district and the single family section of the Club Villa zone district be 60 ft. and that the side yard setback be 10 ft.
3. That the following conditions of approval contained in Resolution No. 92-056 be modified to read as follows:

5.(A)(5) Sufficient coordination will occur between the applicant's engineer and the County's Road and Bridge Department to ensure that the design and construction activities between the two efforts are compatible and ensure no scheduling conflicts. The applicant's engineer will design all road and ditch improvements during 1996 and prior to final construction drawings being completed, the Board will review and, as appropriate, modify the plans for the section of County Road 109 that are the County's responsibility.

5.(B)(1) Garfield County will be responsible for 100 percent of the cost of design engineering and earthwork costs associated with the improvements of the section of County Road 109 to Garfield County Minor Collector Road Standards where physically possible and at the discretion of the Boards of County Commissioners, including 2" Asphalt surface with shoulders. The applicant is responsible for 50 percent of the cost of surfacing (2" Asphalt) of this section of County Road 109. Within 60 days of receiving engineering invoices for the portion of County Road 109 that the County is responsible for the improvements, the County will reimburse the applicant for the expenses incurred. These improvements will be completed in the fiscal year that the Board of County Commissioners determines that the County can pay for their portion of the road improvements. The applicant will be allowed to plat lots east of the existing natural gas line on the Seivers Ranch property prior to the completion of the improvements to County Road 109, provided that the access to County Road 109 is limited to emergencies for residents and that construction traffic is limited to an access point located at the northwest corner of the PUD off of the existing, improved gravel pit road. Should the applicant want to plat lots west of the natural gas line prior to the County being fiscally capable of paying for the County Road 109 improvements, the associated subdivision improvements agreement will establish a method for the payment of the improvements agreeable to both parties.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to close the public hearing. Carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve the Planned Unit Development (PUD) Modification to the Aspen Glen PUD text and Plat Map with the major issues, concerns, recommended findings and recommendations of the staff and Planning Commission be a part of that motion correcting No. 2 to 1/4 acre zone rather than 1/2; that the language in No. 3 include 5 (A) 1 and 5 (B)1 in the Preliminary Plat. Carried.

PUBLIC HEARING FOR THE ASPEN GLEN PUD AMENDMENT TO THE ASPEN GLEN PUD APPLICANT: ASPEN GLEN GOLF COMPANY

Planning and Building Mark Bean, County Attorney Don DeFord, Attorney Larry Green and Gary Latte of Aspen Glen Golf Company were present. Don determined that adequate notices were complete. The people who will be addressing the Board were sworn in by Chairman Smith. The following Exhibits were submitted and accepted into the record as follows: Exhibit A - Proof of publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information; and Exhibit E - Letter from Mr. R. P. Fitzgerald.

Mark Bean presented: This is a request for an amendment to the Preliminary Plan approval contained in Resolution No. 93-121 for a 938 acre parcel to be split into tracts of land that would allow a maximum of 630 dwelling units. The Preliminary Plan itself is a condition of approval contained in Resolution No. 93-121 requiring the developers to make certain improvements to County Road 109 by December 1, 1996. The improvements are the same required of the developer in the PUD approval for those portions of CR 109 adjacent to the Aspen Glen PUD and a proportionate share of the improvements to the rest of the road going South to CR 108 and Main Street in Carbondale. All of these improvements are to be completed at the same time, with the County being responsible for its proportionate share of the CR 109 improvements. As noted during the PUD amendment meeting, at this time the County is not able to fully fund their portion of the road improvements and the Aspen Glen developers are willing to forgo the improvements until the County is in a position to pay for their portion of the improvements.

Recommendation:

The Planning Commission recommended APPROVAL of the proposed Preliminary Plan amendment, by changing Resolution No. 93-121 to read as follows:

6. All road improvements to County Road 109 required by Resolution No. 92-056 and any subsequent amendments, including the design and construction of a bike/pedestrian path, shall be completed in the fiscal year that the Board of County Commissioners determines that the County can pay for their portion of the road improvements and that the County will notify the applicant by December 31st of the year preceding the construction of their ability to fund the improvements. The applicant will be allowed to plat lots east of the existing natural gas line on the Seivers Ranch property prior to the completion of the improvements to County Road 109, provided that access to County Road 109 is limited to emergencies for residents and that construction traffic is limited to an access point located at the northwest corner of the PUD off of the existing, improved gravel pit road. Should the applicant want to plat lots west of the natural gas line prior to the County being fiscally capable of paying for the County Road 109 improvements, the associated subdivision improvements agreement will establish a method for the payment of the improvements agreeable to both parties, without amending the PUD or Preliminary Plan resolution of approval. In additions to the remedies available pursuant to the Garfield County Zoning Resolution, if the improvements noted have not been completed or secured as provided in this resolution, no subsequent Final Plats for any portion of the Aspen Glen PUD shall be approved.

Larry Green stated this action is consistent to the action just taken to: (1) amend the PUD; (2) the language as contained in the approval is acceptable to the applicant; and (3) briefly the letter to Mr. Fitzgerald should not concern the Commissioners as he only had a reservation on the Lot F-27 prior to the time the Commissioners gave approval of the easement and in fact never did own Lot F-27. Larry stated Mr. Fitzgerald has since purchased another lot in Aspen Glen.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to close the public hearing. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the Amendment to the Preliminary Plan approval contained in Resolution No. 93-121 with staff packet and all findings and recommendation. Carried.

Wilkerson and Battlement Mesa Partners Litigation

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to go into Executive Session to discuss the Wilkerson litigation and Battlement Mesa Partners litigation. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session. Carried.

Lease - Mountain Valley Developmental

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign a lease for Mountain Valley Developmental Services for rent of a portion of the Taughenbaugh Building in Rifle. Carried.

(CONTINUED) PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY FOUR AND ONE-HALF (4 1/2) MILES SOUTH OF GLENWOOD SPRINGS ON COUNTY ROAD 117 APPLICANT: DR. WILLIAM FLOOD

Building and Planning Eric McCafferty, County Attorney Don DeFord and Lou Trapani as the agent for Bill and Nancy Flood were present.

Eric McCafferty presented the update of this SB 35 Exemption.

Don DeFord stated he had determined the imposed conditions regarding the legal source of water.

Eric's original recommendation was for denial of the application, however, he has since met with the applicants and has a better understanding of what it is they intend to do. Therefore, he will submit the conditions of approval, not submitted with the original set.

Don interjected, if the Commissioners approve this application, in terms set forth as conditions of approval, these are the conditions that he recommended. However, regulations require proof of adequate water supply be presented with the application. This is not a normal West Divide contract and he voiced some uncertainty as to this substitute supply plan that it doesn't fit the same mold as the West Divide Plan traditionally. It is not often that the County sees a substitute supply plan to which the State Engineers Office has not yet agreed. It has been represented to Don by many parties that there is an agreement with the State Engineers Office but that has been the representation for many months and Don still has not seen it yet. He stated the matter has been set for trial. Don's recommendation at this point is to not proceed with this Exemption, but if the Commissioners do, that a condition be attached as Eric has set forth so that at time of plat the County knows there is an adequate source of water.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the exemption continuance until August 5, 1996 at 2:00 P.M. Carried.

(CONTINUED) PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED IN NO NAME APPLICANTS: MARK AND MELISSA ENGLISH

Building and Planning Eric McCafferty, County Attorney Don DeFord, and Mark and Melissa English were present.

Eric McCafferty presented: The applicants live in No Name and receive water via a community system and use ISDS for water treatment. When this is the case, the County Zoning Resolution, Section 5.04.03, mandates a minimum lot size of one (1) acre. The size of the applicants property was originally 2.76 acres and the request was to create a total of three (3) lots, each proposed to be 0.90 acres in size. If three (3) lots were approved by the Board, it would have violated the above referenced section of the Zoning Resolution. The Board continued the request to allow the applicants time to add enough land to create a minimum of one (1) acre for each proposed lot.

Discussion included "minor subdivisions" which allows for one to four lots and would take away the criteria for the 1973 revision that the English's are caught in. The minimum lot size would still be required, however, it would allow to add a parcel to the original acreage without changing the status of the lot.

Eric - the ruling by the Board in this situation could be considered a precedent for future decisions and *Eric* stressed this requires a certain amount of caution to be exercised.

Don DeFord added a lot depends upon whether or not the State took title to the land or merely took an easement.

Mark English - it was determined the State does own the triangle property but the English's maintain the mineral rights.

Charles Donelan of 1260 County Road 129 addressed the Board. He is a neighbor and wanted to appear due to his public meeting scheduled for February 12, 1996 requesting an exemption on a tract of land in the No Name area.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to continue the Exemption until August 5, 1996 at 2:30 P.M.

Resolution - 1994-5 Uniform Building Code Adoption - Resolution 96-05

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to adopt Resolution No. 96-05 concerned with the regulation of future construction and alterations of dwellings, buildings, and structures, together with plumbing and electrical installations therein, or in connection therewith, and the adoption of portions of the following codes: 1994 Uniform Building Code; 1994 Uniform Mechanical Code; 1994 Uniform Plumbing Code; 1994 Uniform Fire Code and the 1995 CABO One and Two Family Dwelling Code. Carried.

Executive Session - Consent Decree - ACLU

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into Executive Session to discuss the Consent Decree and various issues being raised by ACLU. Carried. Colleen Truden and Al Maggard were included in the session.

A motion was made to come out of Executive Session by Commissioner Arbaney and seconded by Commissioner Mackley. Carried.

PUBLIC HEARING - GARFIELD COUNTY SUBDIVISION REGULATION AND ZONING RESOLUTION AMENDMENTS APPLICANTS: BOARD OF COUNTY COMMISSIONERS

Building and Planning Mark Bean and County Attorney Don DeFord were present for the hearing. Don verified that adequate notification by publication was given, both on December 21, 1995 and approved proceeding with the hearing. Chairman Smith swore in the parties who planned to speak at the hearing. The following Exhibits were admitted into the record: Exhibit A - Public Notice in the Glenwood Post; Exhibit B - Memorandum dated January 22, 1996 titled "Proposed Amendments to Subdivision Regulations;" Exhibit C - a letter dated December 4, 1995 written by Dean Gordon of Schmueser Gordon Meyer, Inc. to Mark Bean, Planning Director; and Exhibit D - a letter dated January 18, 1996 written to the Board of County Commissioners from Pat Fitzgerald.

Mark Bean summarized as follows: Last Fall, the Planning Commission adopted the Comprehensive Plan for study areas one, which is basically the Roaring Fork River area itself and the result of subdivision action and difficulty in the comprehensive plan and the subdivisions and zoning regulations themselves. The Planning Commission suggested there needed to be some interim changes to the zoning and subdivision regulations to create a better tie to work between the subdivision regulations and zoning resolutions and comprehensive plan(s). The County has two comprehensive plans in place - one is Roaring Fork River - Study Area One and the remainder of the County is still technically subject to a comprehensive plan and maps adopted as amended in 1984.

In an effort to allow for and better recognize the recommendations goals and policies of the comprehensive plan, the Planning commission reviewed the subdivision regulations and zoning resolutions to try to come up with some interim changes to these subdivision regulations and zoning

resolutions recognizing that there was a need to go into better detail about these as a Board to get approval and the hiring of a consultant during the coming year to bring for public approval. In the meantime, the Planning Commission wants to be able to utilize the Comprehensive Plan and some of the recommendations. Because of the lack of consistency between these two documents it is difficult to do. What is proposed are changes to both the zoning resolution and the subdivision regulation. Briefly Mark described the changes: *zoning changes* - are regulations that would define better the tie between the master plan as termed in the statutes. It is also called the regulation itself and a PUD. Refer to Section 4 of the Zoning Resolution. Basically what is proposed here is the overall residential density within a PUD shall be not greater than the density contained in the 1994 and the Master Plan of 1995 Study Area One as applicable. Also included in that language is minimal lots size shall be no less than that permitted in underlying zoning. Also included in the regulations itself is a section dealing with an application for zone change for zone district and planning development recognizing again that the amendments for all applications for amendments shall demonstrate that the proposal conforms to the recommended density to the applicable 1980 Comprehensive Plan or the 1995 Master Plan for Study Area One. The Board of County Commissioners shall not approve any zone district amendment or PUD zone district amendment without demonstration being made in addition to other required findings in the zone district amendment itself.

The Planning Commission proposes (1) to establish essentially three levels of subdivisions: minor, regular and major. Minor subdivision review process would apply to any subdivision of seven (7) lots or less; a regular subdivision review process applies to eight or nine lots (8 or 9); and a major subdivision to fifty (50) lots or more for any particular development proposal. As a note for the record, this applies to another issue the Board has concern which is, that all divisions of land would be able to continue only for parcels that have not been a part of a previous subdivision action itself. That should be noted for a minor subdivision itself.

Proposed as a part of the three-tier process is: the first step of the process for the regular subdivisions and major subdivisions would be to go through the PUD process. This is where the tie back to zoning resolution and proposed changes to land use in terms of compliance with the Comprehensive Plan recommendations would be.

In terms of the process itself, the sketch plan process for a minor subdivision is an optional process. The documentation required though for a minor subdivision is that which required a sketch plan. Some of the documentation and engineering required for a regular and major subdivision is considerably less. Again, the minor subdivision has a choice if they choose to skip the sketch process and go directly to preliminary plan which basically requires the same public hearing required of any subdivision - one before the Planning Commission and one before the County Commissioners.

The difference between the regular subdivisions and the major subdivision itself, basically goes into some of the information that is required of the application itself. The biggest difference being in terms of the requirements for notes. These requirements are in the preliminary grant proposal and are required to submit documentation for off site road impacts. These need to be evaluated for major subdivision as well as physical impact analysis and would be submitted as the major subdivision application where this is not required for a minor or regular subdivision. Other issues noting clarification are: when notice is required to be given; when a person determines who the owners of adjacent property are; and who the owners of property are for mineral rights. Ownership shall be determined from the records of the Garfield County Assessor or Garfield Clerk and Recorder within 45 days preceding the first scheduled hearing before the Planning Commission. Also included is a discussion in terms of the time frame in the phasing.

Other issues addressed include: (1) Discussion of recommendations on what is or isn't a dependable water supply, and certain requirements proposed to identify the legal entity that is going to be responsible for managing central water supply systems as well as identifying the amount and type of water that would be developed for purposes of providing water supplies to the subdivision; (2) Some changes as to the survey requirements mainly to eliminate some of the exemption process. Presently the Board's regulations read that any parcel as it existed on January 1st of 1973 may request a total of

up to four splits. The State has allowed the Commissioners to review the exemption from the definition of subdivision exemption and the division of water resources. The State would issue an exempt well permit based on the Board's approval of a pre-72 lot; (3) the exemption recently adopted in the oil and gas and the accessory dwellings as determined by the Board are exempt for review by the Planning Commission; (4) the number of dogs allowed with a subdivision; (5) the open fireplace regulation imposed; (6) covenants requiring exterior lighting; (7) provisions for the developer being responsible for identifying all outside traffic studies and road impact fees; (7) fire retardant materials; (8) evidence of irrigation water; and (9) sanitary disposal systems.

Community members addressing this hearing included:

Bill Zilm - 0090 Sunlight Drive - Glenwood; *Larry Green* - 225 Weant, Carbondale (office 818 Colorado Avenue - Glenwood); *Pat Fitzgerald* - 1317 Riverview - Glenwood; *Scott Balcomb* - 612 Harvard Drive, Glenwood; *Tom Zancanella* - 1465 130 Road, Glenwood; *John Foulkrod* - 1442 Greystone, Carbondale; *Ron Liston* - 918 Cooper, Glenwood; *Paul Neislanik* - 0481 County Road 100, Carbondale; *Nancy Crenshaw* - 123 Meadowood Rd, Glenwood; *Dennis Stranger* - 995 Cottonwood Lane, Glenwood; *John Tauffer* - County Road 154, Glenwood; *John Bershenyi* - 2833 County Road 117, Glenwood; *Bruce Lewis* - 0401 County Road 149 D, Glenwood; and *Charlotte Zilm* - 0090 Sunlight Drive, Glenwood.

Some of these individuals had direct opposition, some felt there were some good ideas, however, the general consensus was that the County did not need a Comprehensive Plan. A workshop idea was discussed and the Public Hearing was continued until February 27, 1996 at 6:30 P.M.

A motion was made to this effect by Commissioner Mackley and seconded by Commissioner Arbaney. Carried.

Adjournment

FEBRUARY 5, 1996
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at **8:00 A.M.** on **Monday, February 5, 1996** with Chairman Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present: County Administrator - Chuck Deschenes and Clerk and Recorder - Mildred Alsdorf.

ORDER

Chairman Smith called the meeting to order at **8:10 A.M.**

COUNTY ADMINISTRATOR

Mike McBreen was present.

Bid Award - Vehicles for Sheriff's Department

Mike McBreen presented the bids for 4-Wheel Drive Utility Wagons that was requested from the Sheriff for the Board of County Commissioners to review. The bids were as follows:

	<u>MODELS</u>	<u>PRICE PER EACH</u>	<u>PRICE FOR (2)</u>
1.	Columbine Ford 1996 Ford Explorer	\$22,944.00	\$45,888.00
2.	John Haines Inc. 1996 Chevy Blazer	\$23,850.00	\$47,700.00

The Board of County Commissioners would like to discuss the request for a **3rd** vehicle for the Sheriff's Department with Tom Dalessandri before they approve it. They were under the impression that all carry over funds would be put toward the new jail facility.

Chuck Deschenes - Tom's budget did have **(2)** 4-Wheel Drive vehicles and **(1)** Front-Wheel Drive figured into his budget. Chuck needs to talk to Tom further concerning his submittal of the budget.
Commissioner Mackley - there has been a lot of discussion concerning the excess money left over from last year's budget and that it would go to the new facility.

Commissioner Arbaney made a motion authorizing the Sheriff's Department to purchase from Columbine Ford 2 new 1996 Ford Explorers in the amount of **\$22,944.00** per vehicle with the amount totaling **\$45,888.00**. Commissioner Mackley seconded the motion; carried.

Bid Award - Copier for Administration

Mike McBreen presented the bid awards to the Board of County Commissioners for review. The following companies presented their bids for a copier:

<u>COMPANY</u>	<u>MODEL</u>	<u>AMOUNT</u>
Lewan and Associates	Sharp SF 2050	\$16,132.00
Lewan and Associates	Sharp SD 2060	\$18,870.00
Unilink Inc.	Ricoh 6655	\$19,980.00
Raymond's Office Machines	Panasonic FP-7160	\$17,155.00
Capital Business Systems	Lanier 6765	\$20,365.00
Minolta	EP 6000 CS PRO	\$19,195.00

Mike McBreen made a recommendation to purchase a copier from Lewan and Associate
Commissioner Mackley made a motion authorizing Administration to purchase a Sharp Copier SF 2050 from Lewan and Associates. Commissioner Arbaney seconded the motion.

Old Sheriff's Department Cars

The Board authorized Mike McBreen to call the salvage yards and get the best deal he can to have the vehicles towed off.

Letter to Library - Grant Request (Computers)

Commissioner Arbaney made a motion authorizing the Chairman to sign a letter for Colorado Department of Education for distribution of computers throughout Glenwood Springs, Rifle and Silt Colorado. Commissioner Mackley seconded the motion; carried.

Letter to Larry Kallenberger - Division of Local Government - Extension For Grant

Commissioner Arbaney made a motion authorizing the Chairman to sign a letter to Larry Kallenberger, Division of Local Government, requesting an extension of the **\$500,000.00** grant that had been requested **two** years ago. Commissioner Mackley seconded the motion; carried.

Support to Historical Society

Commissioner Mackley made a motion authorizing the Chairman to sign a letter for the Historical Society for support of a Grant request. Commissioner Arbaney seconded the motion; carried.

Impact Assistance Grant Application

Commissioner Mackley made a motion authorizing the Board of County Commissioners to sign an Impact Assistance Grant Application for the Colorado Division of Wildlife in the amount of **\$12,541.29**. Commissioner Arbaney seconded the motion; carried.

Bills and Payroll

Chuck Deschenes distributed the Bills and Payroll for the month of **January 1996** to the Board of County Commissioners for review and discussion.

DA Forfeiture Funds

Chuck Deschenes distributed DA Forfeiture funds to the Board of County Commissioners for review.

Liftup - Vacating of House on Pitkin County

Liftup has requested if they can have an extension after **April 1, 1996** to move from the house on Pitkin Avenue. The Board decided that they may stay on a month to month basis and this also includes the tenant that lives in the back. After **April 1, 1996**, the Board will give all tenants a **30** day vacancy notice.

Bills

The Board of County Commissioners reviewed and discussed the bills for the month of **January 1996**.

JAIL DISCUSSION

Dale Hancock, Al Maggard, Don DeFord and James Sears were present.

Jail Count

James Sears distributed the Jail Count to the Board of County Commissioners.

101 total inmates. **37** in the Steelbox, **45** in Work release, **12** females, **3** in Other Jails, **1** Day Reporting, **3** Home Detention and **0** State Hospital.

Memo Concerning Jail Facility Security

There is no specific hours attached for the position included in the memo. Don DeFord would like to discuss the memo and give legal advice with both Tom Dalessandri and the Board of County Commissioners together.

Reilly Johnson

At **12:00 P.M.** today Dale will begin working with Reilly Johnson on the continued schematic design that was presented to the Board. Dale received a letter from U.R.S. and they are estimating that the schematic design will be finished by **February 16, 1996**.

Community Corrections Board

Commissioner Mackley made a motion to appoint John Lutgring to the Community Corrections Board. Commissioner Arbaney seconded the motion; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Alternate Route On Four Mile Road

Mark Bean, Dennis Stranger, Dave Sturgess and Peter Nickels were present. There has been a decision concerning the alternate route down Four Mile Road by HNTB. The request for an official authorization by the Board to the alternate route is within the boundaries of the contract that Garfield County signed with HNTB.

Commissioner Mackley made a motion authorizing the Chairman to approve the recommendations from TAC allowing HNTB to move forward with their preliminary engineering for the alternative route. Commissioner Arbaney seconded the motion; carried.

Road Impact Fees

Peter Nickels is here to follow up on what has been going on concerning the Road Impact fee process. Starting on **March 1, 1996** a pamphlet will be sent to all the property owners showing the new route of Four Mile Road and explaining the process that Peter and Dennis will be using to figure out a road impact fee. They requested a **3** month contract extension from the Board of County Commissioners at no cost. Commissioner Mackley made a motion authorizing the Chairman to sign a letter of agreement extending the contract with Peter Nickels and Dennis Stranger for a 3 month period ending June 30, 1996. Commissioner Arbaney seconded the motion; carried.

Barnes Plat

Mark Bean, Raul Gowies, and Mrs. Barnes were present. Mark presented before the Board of County Commissioners.

Raul Gowies - was faxed some information concerning that Harmony Road was a private road and feels that this needs to be discussed further. The road will be taken care of by the Homeowners Association and the Barnes.

8 Lots County Owned - Jeff Parker - Aspen Crystal River/Tekeki

Jeff Parker distributed a list of **8** lots that are in default with the taxes. He is interested in purchasing the lots and would like the Board to do anything they can to help him purchase these lots.

Don DeFord - County did receive lots through tax default and the County does not have to sell the lots if they do not want to pay the taxes.

Chairman Smith - we will have to get back to you concerning these lots after we discuss it.

EXECUTIVE SESSION - CONSENT DECREE

Commissioner Arbaney made a motion for the Board of County Commissioners to go into Executive Session to discuss the Consent Decree. Commissioner Mackley seconded the motion; carried.

Commissioner Arbaney made a motion for the Board of County Commissioners to come out of an Executive Session. Commissioner Mackley seconded the motion; carried.

DEPARTMENT HEADS

Building and Planning Department - Mark Bean

Resolution - Joel and Cindy Barnes

Commissioner Arbaney made a motion authorizing the Chair to sign a resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for Joel and Cindy Barnes. Commissioner Mackley seconded the motion; carried.

Plat - Joel and Cindy Barnes

Commissioner Arbaney made a motion authorizing the Chairman to sign a Plat for Joel and Cindy Barnes. Commissioner Mackley seconded motion; carried.

Extension - Patrick Healy

Commissioner Arbaney made a motion authorizing Patrick Healy an extension up to **1** year on his subdivision exemption application. Commissioner Mackley seconded the motion; carried.

Resolution - Aspen Glen PUD Plan and Text Amendment

Commissioner Mackley made a motion authorizing the Chair to sign a resolution concerned with the approval of an amendment to the Aspen Glen Planned Unit Development Rezoning and its Plan. Commissioner Arbaney seconded the motion; carried.

Resolution - Preliminary Plan Amendment - Aspen Glen PUD

Commissioner Mackley made a motion authorizing the Chairman to sign a resolution concerned with the approval of an amendment to the Preliminary Plan for the Aspen Glen PUD. Commissioner Arbaney seconded the motion; carried.

Zoning Amendment - Mariam Berkeley

Commissioner Arbaney made a motion referring the Zoning Amendment request from Mariam Berkeley Lake Springs PUD, to the Planning and Zoning Commission for review. Commissioner Mackley seconded the motion; carried.

Western Slope Aggregate Inc.

Mark explained that Western Slope Aggregate Inc. is requesting a Special Use Permit for a point of access on Hwy 82 at Ranch at Roaring Fork.

Commissioner Mackley made a motion to refer the request from Western Slope Aggregate Inc. to the Planning and Zoning Commission for review and discussion. Commissioner Arbaney seconded the motion; carried.

Road and Bridge Department - King Lloyd

Equipment Problems

Road and Bridge has had many equipment breakdowns during the past couple weeks. The major breakdown was a motor grader in the Rifle Shop and the cost to repair this is going to be very expensive. He is in a real bind at this time due to the bad weather and trying to keep up with the roads. King called around to companies checking on leasing proposals to lease a grader until the bid packages for a new machine can be done. He received two proposals from the following companies to lease a motor grader:

	Company	Model Type	# of Mo lease	Amount
1.	Wagner	AA 140H 02ZK00209 65458	Monthly	\$1,182.00
2.	Honnen	CAT	Monthly	\$1,252.00

King's recommendation is to go with the lowest bidder which is Wagner. Commissioner Mackley made a motion approving the lowest bid for the lease of a motor grader from Wagner from month to month. Commissioner Arbaney seconded the motion; carried.

AMENDED PLAT - WESTERN HILLS SUBDIVISION, LOTS 11, 12, AND 13

APPLICANTS: WILLIAM G. RIPPY, WILLIAM P. RIPPY, RANDY AND THERESA JACOBSON, DAVID AND JOAN MCGAROCK.

Mark Bean presented the amended Plat to the Board of County Commissioners to review.

Mark explained that at this point in time there is no motion necessary. As soon as the plat is final he will bring it back before the Board of County Commissioners for final approval and a motion.

DISCUSSION - SEVERE GROWTH IMPACT UPON SCHOOL DISTRICTS

Steve Rippy, Georgia Chamberlain, Don DeFord and Chuck Deschenes was present.

Georgia Chamberlain - talked with Lennard Eckhardt concerning the severe growth impact upon the School Districts and informed the Board that Leonard would like to try and get some figures. Georgia explained to him that Garfield County does not have the Computer System for this type of information and it may take up to 2 years to get the new system. She also requested RE-2 front money to help Garfield County to help get the new computer system. If so, Leonard would like to have some partial fundamental figures to see at this time.

Steve Rippy distributed a packet of information to the Board of Commissioners for review and discussion which included the figures needed in order to hire another staff person including the costs of the program to be the Assessor's Office.

DEPARTMENT HEADS CONT'D

Bills

Commissioner Arbaney made a motion authorizing the Chairman to sign the bills for the month of **January 1st** Run. Commissioner Mackley seconded the motion; carried.

Bill - Frank Dubofsky

Commissioner Mackley made a motion authorizing the payment to Frank Dubofsky in the amount of **\$2,162.00** for professional services rendered concerning the Garfield County Jail of which are charges incurred starting in **January 1996**. Commissioner Arbaney seconded the motion; carried.

ENERGY IMPACT GRANT PRIORITIZATION

Don DeFord, Chuck Deschenes, Bill Wilde representing Battlement Mesa; Parachute, Mary Anderson was proxy for John Loesch; and Steve Rippy, Mayor of New Castle were present.

Steve Rippy distributed a revised Impact Assistance Program Application to the Board of County Commissioners for review and discussion concerning an Energy Impact Grant for the Town of New Castle.

Bill Wilde also presented an application and summarization for an Energy Impact Grant for Battlement Mesa Metropolitan District. He stated the Battlement Mesa Metropolitan District would use the Energy Impact Grant money to expand the Regional Wastewater Plant. Bill went over the application information giving some history of the Regional Plant, when it started in 1981 until this day of 1996. The closure of UNOCAL Oil Shale in 1991 created a great loss of resident population in both Battlement Mesa & Parachute.

The entities present voted New Castle 1st and Battlement Mesa Metro District 2nd.

ROAD AND BRIDGE DISCUSSION

King Lloyd and Mike McBreen were present.

Bid Award - Scrap Metal - Landfill

Mike reported they had sent out information for bids on the scrap metal, but no bids were received. Six bid requests had been sent out to various scrap dealers around the country. Mike called several of them but no response to date.

King reported Atlas Steel may submit a bid, but nothing firm as yet. He would like to hold off and see if Atlas shows an interest. If they come in with a decent price, go ahead and give it to them.

Chairman Smith indicated the formal bidding process has been used, so she didn't see a problem.

Bid Award - Crawler/Dozer

Mike McBreen received the following bids for a Crawler/Tractor for the Road and Bridge Department:

<u>Company</u>	<u>Model</u>	<u>Trade-in \$</u>	<u>Total \$</u>
Wagner Equipment Co.	1996 D6H XL II CAT \$141,976.00 (USED)	\$24,300.00	
Honnen Equipment Co.	1995 JD 850 C \$159,130.00 (USED)	\$26,500.00	
Power Motive 84,840.00	1994 Dresser TD15E (USED)	\$20,000.00	\$
Bush Machinery	County D-7F	\$19,888.00	

Discussion:

King Lloyd - discussed the option of a change from a lease to a purchase depending upon the condition of the budget at the end of the year. He explained that just because a four-year lease was signed, it did not take away the option of purchasing. Discussion included other equipment that King's department had purchased.

Commissioner Mackley - suggested the County be caution this year and determine what Rifle is going to do.

Chuck Deschenes - stated the County budgeted \$168,000 for equipment purchases this year in the landfill.

Commissioner Mackley - suggested the equipment could be paid off at the end of the year, as King suggested, depending upon the budget.

Commissioner Arbaney suggested the lease be read very carefully due to the interest on leases you lose could get into the 100 or 90% of the payment price....

King Lloyd - stated 100% wouldn't go toward the purchase.

Arbaney - some will drop it back to 60%.

Chairman Smith - stated the County wanted to look at this lease very closely.

Chuck Deschenes - suggested the County could go ahead and make the award and just not determine exactly what they were going to do and study it a little longer. The machine still has to get here.

Commissioner Arbaney - what really bothers him is downgrading the equipment and that's what we are basically doing.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to go with Wagner for the CAT D6H XL 48 months financing as planned for \$3,286.80 per month, total price of \$141,976.00, with additional full warranty of \$2,524.00 added to the purchase price. Carried.

Lease of Motor Grader

King contacted Wagner concerning the lease of a Motor Grader but the lease has to be for a full 12 months. Commissioner Mackley retracted his motion made previously authorizing the lease of a Motor Grader for a 3 month period. Commissioner Arbaney seconded the motion; carried.

Commissioner Arbaney - suggested contacting all construction companies to see what the cost would be to lease a driver and a grader for the next 3 months.

King Lloyd - does not prefer to use a driver and another companies machine due to the hours of Road and Bridge and the possibility of the operator not knowing the area.

Chuck Deschenes - presented the possibility of implementing the "emergency purchasing clause" which clarifies the option of waiving the formal process. Mike could call, with the specifications, and get quotes over the phone, hopefully followed up with something in writing, but you could expedite the bid process.

This option was discussed and agreed upon as the best way versus paying rent.

King Lloyd - stated he has all the specifications.

Chuck Deschenes - commented to make sure all viable bidders were contacted.

King Lloyd - stated there were two machines available with some hours on them but they still qualified as a new machine.

Chuck Deschenes - mentioned it would require a motion by the Board to authorize the emergency procurement of the grader so the formal process could be by-passed. He read from the emergency purchasing Sec. 2.48 page 14 of the purchasing policy which supported this position.

Commissioner Arbaney made a motion authorizing the purchasing agent to implement the informal bidding process on a new or used Cat 14G Class Grader. Discussion: the definite classification was unknown. King would supply Mike with the specifications. Available horse power is standard. Class is now a 140H. Not necessarily want a CAT. Commissioner Mackley seconded the motion; carried.

Guard Rail - Pete Simmons

King received a phone call from Pete Simmons concerning the guard rail that he is donating and would like to know when Road and Bridge is going to install it. King explained to him that this time of year is not a good time to install a guard rail due to the snow.

Motor Grader

Commissioner Arbaney made a motion authorizing the purchasing agent to get bids on Grader lease. Commissioner Mackley seconded the motion; carried.

Buford and Four Mile Roads

Mark Bean and King Lloyd went to a meeting with the U.S. Forest Service concerning the Buford Road. There is a possibility that the Four Mile Road can be a Forest Service Highway, but the Forest Service needs to supply the Board of County Commissioners with some information as to what kinds of uses qualify a road for a Forest Service. Buford Road is considered a Forest Service Highway.

BOARDS AND COMMISSIONS

Airport Board

1 position open - extend Jim Foster to 1999

Commissioner Mackley made a motion appointing Jim Foster to the Airport Board until 1999.

Commissioner Arbaney seconded the motion; carried.

Community Corrections Board

All members need to be reappointed

Emergency Medical Commission

All members need to be reappointed

Fairboard

All members need to be reappointed

Human Services Board

All members need to be reappointed.

Transportation Advisory Board

All members need to be reappointed

Undesirable Plant

4 positions are open, there is 1 applicant plus current members

Juvenile Review Board

reappoint all members

Housing Authority

reappoint all members

Library Board

1 position open - 3 applicants

Open Space and Trail

reappoint all

Planning Commission

2 positions open - 3 applicants

Public Safety

reappoint all

Board of review

1 vacancy

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY SEVEN (7) MILES SOUTH OF GLENWOOD SPRINGS APPLICANT: KURT GRONEAU

Mark Bean, Don DeFord, and Kurt Groneau were present. Don DeFord determined that adequate published notification was given. This is a request for an exemption from the definition of subdivision for Kurt Groneau located approximately 7 miles south of Glenwood Springs, off of County Road 168, in the Four Mile Area.

Recommendations:

Staff recommends **APPROVAL** of the application, subject to the following conditions:

1. That all representation of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, a common access point and easement to lots **1,3,** and **4** to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities and the following plat notes:
 - a. All new construction shall be consistent with *Colorado State Forest Service Wildfire Prevention Guidelines* specified in the pamphlet "**Wildfire Protection in Wildland Urban Interface**" (C.S.F.S. #143-691). If more than one (1) dwelling is built on a lot, the Glenwood Springs Rural Fire Protection District, may impose additional requirements for roadway widths, grades and surfacing and for additional water supply for fire flows.
 - b. Any ISD system and foundation may have to be engineered due to soil constraints.
 - c. Lot ____ is allowed only one dwelling unit, due to dwelling unit restrictions on the well permit.
3. That the applicant shall have **120** days to present a plat to the Commissioners for signature from the date of approval of the exemption.
4. That the applicant shall submit **\$200.00** in School Impact Fees for the creation of one new parcel.
5. Control of noxious weeds is the responsibility of the property owner.

Robert Chaffin - representing Argonaut Ranch. One of the concerns of his clients is the way the house looks that is presently located on the property. The neighbors feel that it is an eyesore and wants to know from Mr. Groneau if he would comply with the architectural requirements on behalf of the neighborhood.

Mr. Groneau - is willing to visit with the neighbors.

Greg Beightel - presented a copy of a second telephone conversation that he and Mr. Gronau had earlier in the morning and reviewed this conversation with the Board of County Commissioners.

Robert Chaffin - requested information concerning the well. The well test proved that the well can pump **15** gallons per minute

Tony Guccini - representing the owner of the estate related that she is concerned about how the property split is shown of the map and how someone will build a dwelling on the property. They do not want an eyesore near their property.

Commissioner Mackley - suggested continuing the meeting to a later date and in the meantime Mr. Groneau needs to discuss the building envelope and house structure of his partner along with a **24** hour pump test for the well.

Commissioner Arbaney made a motion to continue the Public Meeting for Kurt Gronau to **Monday, April 1, 1996**. Commissioner Mackley seconded the motion; carried.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED IN CANYON CREEK **APPLICANT: VIOLET GOODSSELL**

Eric McCafferty, Don DeFord, Attorney John Kemp and Violet Goodsell Mooney were present. Don DeFord determined that adequate published notice was given. This is a request for an exemption from the definition of subdivision for Violet (Goodsell) Mooney located off of County Road **137** in Canyon Creek.

Recommendations:

Staff recommends **APPROVAL** of the application, pursuant to the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have **120** days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit **\$200.00**, per lot, in School Impact Fees for the creation of all exemption parcels.
5. That the following plat notes be included:
 - a. "Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of

building permit submittal shall determine specific ISDS needs on the site."

- b. "The minimum defensible space distance shall be **30** feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in **"Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service)** shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five **(5)** percent grade."
 - c. "Upon adoption of road impact fees by the Board of County commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."
6. That the applicant demonstrate the physical quality, quantity and dependability of the shared water supply by doing the following (if not done already) and presented prior to approval of an exemption plat:
- a. A well be drilled and a **24**-hour pump test shall be performed;
 - b. The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
 - c. The results of the **24** hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
 - d. A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
 - e. An assumption of an average of no less than **3.5** people per dwelling unit, using **100** gallons of water per person, per day;
 - f. If the well is to be shared, the provision for adequate water storage of **1000** gallons per dwelling, either individually or communally;
 - g. A discussion of the mechanical components of the shared well system to include the pump, water supply line, storage tank and other components (for shared well systems);
 - h. A legal, well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made (for shared well systems);
 - i. The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

John Kemp - wants to contest the remarks of the road and does not believe that a new road would not be too steep.

Commissioner Mackley made a motion approving the exemption as requested by Violet Goodsell Mooney per the staff's packet including the recommendations. Commissioner Arbaney seconded the motion; carried.

**(CONT'D) PUBLIC MEETING - SUBDIVISION EXEMPTION - LOCATED
APPROXIMATELY TWO (2) MILES NORTH OF INTERSTATE 70 IN CANYON CREEK
APPLICANT: PETER SIMMONS**

Don DeFord, Eric McCafferty and Peter Simmons were present.

Peter Simmons - drilled **1** well and did a pump test. He provided access to parcel one. A domestic well was drilled on parcel two and a **4** hour pump test. Mr. Collins who drilled the well wrote a letter explaining that on a **24** hour pump test the well would pump the same amount of water as it would during the **4** hour pump test which pumps **21** gallons per minute. Mr. Collins was to drill another well

and do a **24** hour pump test but it is not done yet. Peter can not tell the Board of County Commissioners whether or not he has a household well or whether he even has water. Peter would like to abandon that well and restart a new well. Peter presented a new plat to the Board of County Commissioners to review and discuss the plat notes he had added onto the plat.

Don DeFord - the language that Pete uses goes to the heart of the problem that the County is having with the State Department of Water Resources; where they will issue a well permit if the Board approves the subdivision exemption.

Greg McKennis - representing the Williams Canal and insists that Peter's well is within the Williams Canal Easement. The access road going to parcel two is on the Williams Canal easement also.

Commissioner Mackley - suggested that the Board continue this meeting until Pete can work out the water problem and show the easements of the Williams Canal more clearly.

Don DeFord - had a discussion with Peter concerning the two roads and that Don needs to have a description of the two roads in order for the surveyor to survey area.

Staff is only recommending approval of 2 parcels, not 3 but Peter argues that the 3rd parcel is separated by a natural boundary line.

Commissioner Mackley made a motion to continue the Public Hearing for Peter Simmons to April 15, 1996 at 2:00 P.M. Commissioner Arbaney seconded the motion; carried.

FEBRUARY 12, 1996
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at **8:00 A.M.** on **Monday, February 12, 1996**, with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were County Administrator - Chuck Deschenes and Clerk and Recorder - Mildred Alsdorf.

ORDER

Chairman Smith called the meeting to order at **8:02 A.M.**

COUNTY ADMINISTRATOR

Mike McBreen was present.

Bid Award - Newspaper Bid

Mike McBreen distributed the bid that he received for the Newspaper to the Board of County Commissioners for review. The Valley Journal/Citizen Telegram was the only newspaper office that presented their bid. County Legals went up \$.05 and everything else remained the exact same as last year. Mike McBreen recommends that the Board award the bid to Citizen Telegram/Valley Journal. *Mildred Alsdorf* - when billing she would like the bills to come to the Departments instead of Administration.

Commissioner Arbaney made a motion awarding the Citizen Telegram/Valley Journal as the Counties Newspaper for the year of **1996**. Commissioner Mackley seconded the motion; carried.

Excess Office Furniture

There is excess office furniture that is building up in the basement and Mike would like to run an ad in the Newspaper to sell it. The Board of County Commissioners agreed that Mike can run an ad and try to sell the furniture.

Interviews for Applications to the Boards and Commissions

Brent Israel - would like to be on the Planning and Zoning Commission. He described himself and how he feels about building around the area.

Diane Dick - is interested in the vacancy on the Library Board. She gave the Board a brief background history of herself. She would like to see the Library used more as a focal point Community Center and be used more hours.

Dee Blue - is also interested in remaining on the Library Board. The Library is waiting for the Board of County Commissioners to set a Title Board before starting the election process for a separate district. The biggest problem is the bond and the bonding company will not bond unless it is an individual alone. Dee has served on the Library Board for the past 5 years.

Chairman Smith - feels that the Board of County Commissioners should be the ones setting the policy and has real concerns with library district at the present time. Commissioner Mackley made a motion to reappoint Dick Stevens to the Planning and Zoning Commission for a full term. Commissioner Arbaney seconded the motion; carried.

SOCIAL SERVICE ISSUES

There are two House Bills pending which are **1208** and **1037**. These deal with liability of social workers dealing with child care. Russell George withdrew his bill but the Chairman of the Committee did not agree and waived immunity to any case where child abuse is unfounded. The other bill deals with liability of gross negligence. These two bills are at odds with each other at this time.

JAIL DISCUSSION

Dale Hancock, Tom Dalessandri, Don DeFord, Jim Sears, Al Maggard and Dave Sturges were present. Jail Count

104 total inmates. **45** in the Steel Box, **44** Work Release, **7** Females, **4** Other Jails, **2** EHM, **0** DOC's, **0** Hospitals and **2** in Day Reporting

Women's Unit

There was an escape this weekend with 1 woman and she has not been arrested as of yet. This just underscores the fact that this facility does have breeches in security. There has been a warrant signed and validated.

Discussion with George K. Baum

Dale Hancock - was advised to go ahead and start the paperwork for the bonds for funding the new facility.

Don DeFord - need to have funds available within the next two months.

Dale Hancock - called over to the City and there is a meeting in March in front of the Planning and Zoning and if the Board would like Tom and Dale and Don to appear before the Commission on **March 26, 1996** they need to let them know because Marc Adler explained to Dale that they have to be on the list **6** weeks prior to the meeting.

Don DeFord - feels that this needs to be presented to the City Council.

Commissioner Mackley made a motion instructing Staff to make a brief presentation of the new facility to the Planning and Zoning Commission in March. Commissioner Arbaney seconded the motion; carried.

Cable Television

Dale Hancock has a copy of the **1985** cable television franchise agreement for TCI Cable Television.

Security in the Courtrooms

Judge Ossola requested that there be extra security in the courtrooms especially during the sentencing of a felon. Don is not sure whether the Board and Tom and the Courts should get together and have a meeting concerning the security.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Doyle McGinley

Mel Rey road is disastrous. He found a truck that was stuck in a hole in the middle of the road. The City has paved it as far as Gilco. He also has problems with moving vans going up the street and turns around and comes back down. Would like to know if the Board of County Commissioners could post the road.

EXECUTIVE SESSION - CONSENT DECREE

Commissioner Arbaney made motion for the Board of County Commissioners to go into an Executive Session to discuss the Consent Decree with the Sheriff. Commissioner Mackley seconded the motion; carried. Commissioner Mackley made a motion for the Board of County Commissioners to come out of Executive Session. Commissioner Arbaney seconded the motion; carried.

COUNTY BUSINESS

Dave Gallagher and Michael Geiger was present.

Dave presented some information to the Board of County Commissioners for review and discussion. He introduced Michael Geiger to the Board as one of Dave's partners. There was a discussion concerning the work that he done last year.

Fairground Corral Panels

Lee Moss was present.

Lee distributed the bids for corral panels to the Board of County Commissioners for discussion and review. He had a total of 5 bids. In favor of buying Hi-Qual from Co-op in Carbondale due to them being a heavy gauge which is a **16** gauge and the height of **67** inch and the rest are only **60** inch. Commissioner Mackley made a motion authorizing Lee Moss of the Fairgrounds to purchase Hi-Qual panels of **16** gauge and **67** inches high at the price of **\$47.50** per panel to be purchased at the Co-op in Carbondale seconded by Commissioner Arbaney. Carried.

Building Department

Mark Bean, Don DeFord was present.

Two Agreements for the West Glenwood Sanitation District

Mark distributed the agreements to the Board of County Commissioners to sign. A motion was previous passed authorizing signature of the Chair. Commissioner Mackley made a motion to amend his previous motion authorizing the Board of County Commissioners to sign the agreements. Commissioner Arbaney seconded the motion; carried.

Extension Request - Ranch at Roaring Fork

Commissioner Mackley made a motion authorizing Judy Day - Ranch of Roaring Fork an extension of **90** days. Commissioner Arbaney seconded the motion; carried.

Building and Planning Report

Mark distributed the Building and Planning Monthly reports to the Board of County Commissioners for review and discussion.

Discussion of Requirements for SB 35 Exemptions

There needs to be a discussion concerning the water and legal water for the subdivision applications because if not there will be many applications that will be pending clear into the summer or fall months. Don has explained that proof of water does not have to be the well itself.

Commissioner Arbaney - feels that this needs to fall back onto the building permit part.

Don DeFord - would like to know what the Board is going to look for when reviewing the applications. At the time of meeting have the applicant sign an agreement that they must find a physical source of water before signature of final plat.

Eric McCafferty - there will be a statement included with the application concerning how or why they can find physical and adequate water supply on the property.

COMMUNITY SERVICES BLOCK GRANT - HEALTHY BEGINNINGS

Mickey Rimmel was present.

The grant is for **\$22,398.00** and it was published in the newspaper. Commissioner Arbaney made a motion authorizing the Chairman to sign a Community Services Block Grant with total amount of **\$22,398.00** going to Healthy Beginnings. Commissioner Mackley seconded the motion; carried.

SOCIAL SERVICES

Commissioner Mackley made a motion for the Board of County Commissioners to adjourn and reconvene as the Board of Social Services. Commissioner Arbaney seconded the motion; carried.

BOARD OF COUNTY COMMISSIONERS

Commissioner Arbaney made a motion for the Board of Social Services to adjourn and reconvene as the Board of County Commissioners. Commissioner Mackley seconded the motion; carried.

AGREEMENT WITH STATE OF COLORADO

Commissioner Arbaney made a motion authorizing the Chairman to sign an agreement with the State of Colorado and Garfield County in the amount of **\$75,000.00** for County Attorney fees for social services. Commissioner Mackley seconded the motion; carried.

BOARD OF SOCIAL SERVICES

Commissioner Arbaney made a motion for the Board of County Commissioners to adjourn and reconvene as the Board of Social Services. Commissioner Mackley seconded the motion; carried.

BOARD OF COUNTY COMMISSIONERS

Commissioner Mackley made a motion for the Board of Social Services to adjourn and reconvene as the Board of County Commissioners. Commissioner Arbaney seconded the motion; carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd and Chuck Deschenes were present.

Landfill and Transfer Audit

King received a letter from the State and they concur with Terra Matrix on the fact that there are no problems. King will be meeting with Schmeuser and Associates to try and answer the rest of Donna's question who is from the State Department of Health.

Mel Rey Road

Doyle McGinley was in concerning the big potholes in the street and requested that the street be fixed. *Commissioner Arbaney* - try and talk to the City and see if they will help pay for the material if the County will fix the road or see what the City has to say.

County Road 301

King received a call from Ron explaining that he shut County Road **301** off to Savage Logging Trucks. Ron called Basalt Construction to go and do an estimate on how much it will cost to fix the road. Ron gave King an estimate of repairs for \$19,263.00. Ron did talk to Kent Strong concerning the drivers and Kent did reprimand the drivers and told Ron that they would not drive on the road they would go in and continue to harvest the trees until he heard from Ron.

Scope of work

King would like to travel **320** Road and see how much work is needed and an estimate of the cost for the maintenance of the road.

New Cell for Landfill

The surveying has been done for the new cell and King feels that it would be better to have the Road and Bridge crew dig the cell rather than contracting someone to come in because the shape is going to be difficult to dig this cell.

PUBLIC MEETING - SB 35 EXEMPTION LOCATED APPROXIMATELY THREE (3) MILES EAST OF CATTLE CREEK APPLICANTS: EVA AND DAN BAHARAV

Mark Bean, Don DeFord, Eva and Dan Baharav were present. Don DeFord determined that adequate notice was given.

This is a request for an exemption from the definition of subdivision for Eva and Dan Baharav located approximately three **(3)** miles south of the Highway **82**/Cattle Creek intersection, off of County Road **112**.

Recommendation:

That the Board continue the meeting to a date certain, until the applicant has met the following criteria for the proposed well:

1. A well be drilled and a **4** hour pump test shall be performed;
2. The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;

3. The results of the 4 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
4. A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
5. An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person per day;
6. The water quality be tested by an approved testing laboratory and meet the State Guidelines concerning bacteria and nitrates.

Once this information is provided, staff can recommend APPROVAL of the proposed split, subject to the following conditions of approval:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval, unless approved otherwise by the Board.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.
4. That the applicant shall submit \$200.00 in School Impact Fees for the creation of each new exemption parcel.
5. That the applicant shall pay \$235.00 to the Carbondale & Rural Fire Protection District prior to the signing of a plat.
6. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks drainage, irrigation, access or utilities. Additionally, the following plat notes shall be shown:
 - a. "All new construction shall be consistent with Colorado State Forest Service Wildfire prevention guidelines specified in the pamphlet "Wildfire Protection in Wildland Urban Interface" (C.S.F.S. #143-691);"
 - b. "If or when the County adopts a road impact fee, the lots created by this exemption will be subject to paying that fee, paid at time of building permit application by the building permit applicant."
 - c. "Soils constraints on the property are considered severe for dwellings with or without basements and for individual sewage disposal systems, which may result in the need for an engineered design for a house foundation and/or individual sewage disposal system."
7. Control of noxious weeds is the responsibility of the property owner.

Mark - explained that he has had many concerns about the Carbondale Land Development Corporation.

Eva Baharav - read a letter into the record concerning her and her husbands intentions. They are going to upgrade the well and have no intentions of trashing the area. They are very willing to work with the neighbors in the area.

Tom Stevens - representing Pinon Peaks Homeowner Association. During the review he noticed that the Carbondale Land Development Corporation was selling water rights. This could be a possibility that Scott Ryder is selling Pinon Peaks Homeowner's Association water without permission. Hopes that there is a solution but as of right now the Board of Commissioners can not approve a subdivision without proof of physical water and Scott Ryder may be illegally selling a subdivision's water. There is a very simple solution to the easement and building problem is to identify a building envelope.

William Beerman - former owner of Dan and Eva Baharav's property. He is present representing Liz Beerman and she is concerned about the water.

Commissioner Mackley made a motion to conditionally approve an exemption from the definition of subdivision for Eva and Dan Baharav as located in Staff Packet with all major issues, concerns and recommendations with the following changes to the following recommendations:

2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

Commissioner Arbaney seconded the motion; carried.

**PUBLIC MEETING - SB 35 EXEMPTION LOCATED IN NO NAME APPLICANTS:
CHARLES AND PENNY DONELAN**

Eric McCafferty, Don DeFord, Charles and Penny Donelan were present. Don DeFord determined that adequate notice was given.

This is a request for an exemption from the definition of subdivision for Charles and Penny Donelan located approximately two (2) miles east of Glenwood Springs in No Name.

Recommendation:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval, unless approved otherwise by the Board.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have **120** days to present a plat to the Commissioners for signature from the date of approval of the exemption. Extensions of up to one (1) year from the original date of approval may be granted by the Board if requested by the applicant prior to the expiration of the original **120** days.
4. That the applicant shall submit **\$200.00** in School Impact Fees for the creation of each new exemption parcel.
5. That the applicant apply for and receive the necessary "shares" of water from the No Name Creek Water Association and provide for the infrastructure necessary to provide sufficient water to the exemption parcel. This shall be done prior to the authorization of an exemption plat.
6. That the following plat notes be included:
 - a. "Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."
 - b. "The minimum defensible space distance shall be **30** feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "**Determining Safety Zone Dimension, Wildfire Safety Guidelines for Rural Homeowners,**" (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding (5) percent grade."
 - c. "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."
7. Control of noxious weeds shall be the responsibility of the landowner.
8. That all lots created by this exemption be a minimum of one (1.0) acre in size.

Charles Donelan - had a question to the recommendation of #5. Would like to know if they could pay a deposit on the shares or wait until they figure out how things move along.

Mark English - on the water Board and in the past what the Board has done is set aside 2 shares per house and when the land is platted the owner would have to buy 1 share. It is Charles Donelan desire

to use the same access as the English subdivision and Mark has no problems with that and access would still be made even if a 3rd lot from the English application is deleted. Mark English is willing to grant Charles Donelan an easement access to his property.

The Board agrees that this should be tabled and brought up at the same time as the English request. Commissioner Mackley made a motion to continue the subdivision request until **Monday, August 5, 1996 at 3:15 P.M.** Commissioner Arbaney seconded the motion; carried.

**PUBLIC HEARING - PRELIMINARY PLAN FOR CEDAR HILLS RANCH SUBDIVISION,
LOCATED APPROXIMATELY TWO (2) MILES NORTHEAST OF SILT, ON COUNTY
ROAD 214 APPLICANTS: SPRING CREEK LAND COMPANY**

Eric McCafferty, Don DeFord, Lee Leavenworth, Roger Neil - High Country Engineering and Norm Classen was present. Don DeFord determined that adequate notice was given. Chairman Smith swore everyone in that was going to speak. Chairman Smith entered the following exhibits into the record: "A" Proof of Publication, "B" Return Receipts, "C" Application and All Attachments, "D" Staff Report and Public Information, "E" Copy of the Garfield County Subdivision Regulations of 1984 as Amended, "F" Copy of Garfield County Zoning Resolution, 1978 as Amended, "G" Previous Preliminary Plan Submittal, "H" Assessor's map #1, "I" Assessors Map #2, "J" Slope Map, "K" (9) all total - Letters Received from citizens residing in Peach Valley, "L" Various petitions. Eric explained that the Classen Ditch is also know as Tompkins Ditch. This is a request for a Preliminary Plan for the Cedar Hills Ranch Subdivision for Spring Creek Land Company (Norm Classen) located approximately two (2) miles northeast of Silt; immediately north of and adjacent to Peach Valley Road (County Road 214).

Recommendation:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval, unless approved otherwise by the Board.
2. The Homeowner's Association shall be incorporated in accordance with Colorado Revised Statue requirements.
3. The applicant shall prepare and submit a Subdivision Improvements Agreement addressing all on-site improvements, prior to the submittal of a final plat.
4. The applicants shall submit improvement plans for all roads, bridges, utilities, fire protection, improvements, signage and drainage structures prior to the submittal of the final plat.
5. That all proposed utilities shall be placed underground.
6. That all cut slopes created during construction shall be revegetated with native grass, shrubs and trees with adequate weed control. All revegetation shall be in accordance with the applicant's revegetation plan. Revegetation and landscaping shall be included in the Subdivision Improvements Agreement. In addition, adequate security shall remain in place for a period of two (2) years to guarantee the survival of all plantings.
7. That the applicant shall demonstrate that procedures are established for the maintenance of all roadways and bridges, including snow removal, through the Homeowner's Association.
8. That the applicant shall pay **\$200.00** in School Impact Fees prior to the approval of the Final Plat.
9. That the following plat notes shall be included on the Final Plat:
 - a. "The recommendations of the Colorado State Forester and U.S.F.S. wildfire prevention guidelines shall be followed in the construction of all structures."
 - b. "Prior to issuance of a building permit, the owner of each lot shall prepare and submit a soils and foundation report, and I.S.D.S. design, and a grading and drainage plan prepared and certified by a professional engineer. All improvements

shall be constructed in accordance with such measures, which shall be a condition of the building permit."

- c. "Certain lots may require pumps to increase residential water pressure. Additionally, it may be necessary for individual reverse osmosis water treatment systems, installed at each home."

10. The approved augmentation plan, together with the West Divide Water Conservancy District Allotment Contract and the water rights associated with the wells, together with well permits, and shares from the Roseman Ditch shall be transferred by the developer to a Homeowner's Association which shall have the power and the duty to enforce compliance by lot owners with the terms and conditions of the augmentation plan. Appropriate Protective Covenants shall further require compliance with the terms and conditions of the augmentation plan.
11. That the applicants shall prepare and submit protective covenants, articles of incorporation and other Homeowner's Association documents including by-laws will be submitted for review by the County Attorney prior to the approval of the Final Plat.
12. That the plat and covenants will provide that there will be no resubdivision of lots.
13. That all roadways shall be constructed in accordance with the design standards in effect at the time of submittal of the Final Plat.
14. The Final Plat shall identify building sites that are in conformance with the recommendations of the geotechnical report and less than **40%** slope.
15. That a plat note requiring staking and certification by a R.L.S. verifying building location within approved sites. This requirement shall be incorporated into the restrictive covenants.
16. That adequate easements for wells, waterlines and other attendant facilities and utilities shall be provide on the Final Plat. The Final Plat shall also show central water supply easements to lots **1, 19 and 20**.
17. That **12** foot perimeter easements on each lot shall be provided for utility purposes.
18. The applicant shall provide road signage in accordance with the Uniform Manual of Traffic Control. These should be included in the subdivision Improvements Agreement.
19. Prior to the approval of the Final Plat, the applicant shall submit approved plans (*by Colorado Department of Health*) for the proposed community water system.

Roger Neil - the grade of the emergency access road is **14%** and is around **450** feet long for the first one and the second one is about **300** feet long. Emergency access road will be graveled.

Lee Leavenworth - representing Norm Classen. The project came before the Board once before and following Staff recommendations went back to the drawing board. The proposal consists of **2** phases. Project consists of **18** lots on **77** acres including **2** open space acres of a little less than **5** acres. The planners tried to use the solarization to the maximum capacity.

Did show the Fire Department the proposed emergency access and they did not deny.

Tom Zancanella - water supply from legal standpoint will come from West Divide Contracts. The current West Divide contract supplies enough water for **20** lots. The well was pumped tested in June and pumped **23** gallons per minute. The water system is set up to be done in two different phases. The first phase would be to serve **6** lots. Feels that he has done everything to address all of the problems that were listed prior to proposing it to the Board of County Commissioners for the second time.

Commissioner Arbaney - what size is the pressure tank in phase **1**?

Tom Zancanella - we will have **3** pressure tanks for phase **1** but he is not sure what size they are.

Norm Classen - we have been working with BLM very closely concerning the easement.

Roger Neil - conducted two traffic studies on County Road **216** and **232**. By utilizing the data within the County they discovered that this subdivision will not impact the road traffic. The applicant has offered to help pay for one bad crossing on the road.

Commissioner Mackley - his concern is whether or not there will be access to maintain or fix the roads due to the fact of ditches and easements involved. Presented a map to the Board of County Commissioners concerning a rural access road for the subdivision. Each individual lot owner will be required to have an engineered septic system.

Norm Classen - started planning on the property for over **1** year and have been in the County Process for over **10** months. Big believer of the Public Process, and we have listened to neighbors and staff and complied with everything that was requested. Used the natural topography to hide the bulk of the homesites. There will only be **2** new home sites in addition to the preexisting 3 homes seen from County Road **214**. Wants this subdivision to be an example to the rest of incoming subdivisions and hope that it will be used as a model subdivision. The water is a very big issue and that is the reason that hired top engineers. Worked with the Fire Department throughout the planning process working on K- turns for emergency access. Any time that another road is being cut into the land there will always some impacts left over.

Lee Leavenworth - reviewed the staff recommendations and have already completed a part of them and the others there is no problems and applicant will comply with the rest of the recommendations.

Les Melton - believes that the people of the property should start paying the County money until the lots sell and start making up for the taxes. Peach Valley as a whole does have a water problem within the ditches and the wells. The roads are very inadequate.

Joe Dice - has been living in Peach Valley since **1967**. The dividing of the property creates a huge problem with the Roseman Ditch. The Board needs to have control of the developments and variances. In favor of this subdivision request.

Ken Kuhns - went over his letter that was previously presented to the Board of County Commissioners. Feels that the County should have a plan for the subdivisions in the west end of the County

Lee Rippy - The same questions are asked at every meeting and have been answered every time.. He makes his living on contract work and he has reviewed what Mr. Classen has done and this project is no where near being a haphazard project. Feels that Norm has done a good job by following all of the recommendations that was requested of him. Thinks that this is a very good Subdivision.

Chairman Smith swore Ed Colby in.

Ed Colby - has been opposed to the development since he heard about it last fall. He has written two letters and attended the meetings. He expressed concerns about water usage being restricted to in-house use and no swimming pools

Richard Murr - long time resident and is concerned about change in valuation to the Valley and the impacts to the neighborhood, i.e.. cost of roads that will have to be upgraded as a result of this development. Requested that the Board deny the application.

Bob Coberg - moved from big city to find the rural lifestyle and feels that there is no protection afforded in the Comprehensive Plan. Concerned about the percolation tests not meeting standards being offset by engineered systems. Feels the road is not capable of meeting the needs of existing residents based on his own experience.

Alma Murr - Has lived in Valley for **60** years and at that time there were a number of agricultural uses that were very active. Hoped that the Board would deny.

Lee Leavenworth - Summarized the developers position in terms of the right to develop and that this is a relatively small development which will not destroy the area. Development meets standards and that they have answered all questions and suggestions.

Chairman Smith - Questioned the public access to the BLM being open to the public. No, access is only for foot traffic and horses for homeowners. How are people with lots with oil and gas leases under the property going to know - response is that a plat note will initially do it and through title commitment.

Commissioner Arbaney - questioned the phasing and explained that he would like to see a water tank and road built all at the same time. He also wants **6** ft. shoulders on rural access section of the internal road. Commissioner Arbaney made a motion to close the public hearing. Commissioner Mackley seconded the motion; carried. Commissioner Mackley made a motion to continue the public hearing to **Monday, February 26, 1996 at 3:00 P.M.**, to make a decision after deliberating on the evidence at that time. Commissioner Arbaney seconded the motion; carried.

EXECUTIVE SESSION - CONSENT DECREE

Commissioner Arbaney made a motion for the Board of County Commissioners to go into an Executive Session to discuss the Consent Decree with Don DeFord. Commissioner Mackley seconded the motion; carried. Commissioner Arbaney made a motion for the Board of County Commissioners to come out of Executive Session. Commissioner Mackley seconded the motion; carried.

RECESS

Commissioner Mackley made a motion for the Board of County Commissioners to recess until **Tuesday, February 13, 1996 at 9:00 A.M.** Commissioner Arbaney seconded the motion; carried.

February 13, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

A continued meeting of the Board of County Commissioners began at **9:00 A.M.**, on **Tuesday, February 13, 1996**, with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present was County Attorney - Don DeFord and Clerk and Recorder - Mildred Alsdorf.

ORDER

Chairman Smith called the meeting to order at **9:00 A.M.**

PUBLIC MEETING - SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY TWO (3) MILES SOUTHEAST OF NEW CASTLE APPLICANTS: BILL AND BARTON PORTER

Eric McCafferty, Don DeFord, Barton Porter and Bill Porter were present. Don DeFord determined that adequate notice was given. This is a request for an exemption from the definition of subdivision for Bill and Barton Porter located approximately three (3) miles southeast of New Castle along County Road 314 (Alkali Creek Road).

Recommendation:

Staff recommends the public meeting be continued to allow the petitioner to complete a **24** hour pump test and demonstrate the following criteria can be met:

That, if the water supply is to be shared, the applicant shall demonstrate that an adequate supply in both quantity and quality exists for the lots to be created. Additionally, excavation permits from County Road and Bridge, shall be necessary if the water supply line for the shared well system will necessitate the disturbance of a County Road. Criteria for demonstrating the quality, quantity and dependability of a well or a shared well system.

- a. A well be drilled and a **24** hour pump test shall be performed;
- b. The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- c. The results of the **24** hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
- d. A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
- e. An assumption of an average of no less than **3.5** people per dwelling unit, using **100** gallons of water per person per day;
- f. If the well is to be shared, the provision for individual water storage tanks of no less than **1000** gallons for each proposed lot (required at time of building permit application);
- g. A discussion of the mechanical components of the shared well system to include the pump, water supply line, storage tank and other components (for shared well systems);
- h. A legal, well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made (for shared well systems);
- i. The water quality be tested by an approved testing laboratory and meet the State Guidelines concerning bacteria and nitrates.

*Upon the applicants satisfactorily demonstrating the above, staff recommends **APPROVAL** of the application, pursuant to the following conditions:*

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval, unless approved otherwise by the Board.

2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have **120** days to present a plat to the Commissioners for signature from the date of approval of the exemption. The Board may grant extensions of up to one **(1)** year from the original date of approval.
4. That the applicants shall submit **\$200.00**, per lot, in School Impact Fees for the creation of all exemption parcels.
5. That the following plat notes be included:
 - a. "The minimum defensible space distance shall be **30** feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in **"Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners,"** (*Colorado State Forest Service*) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five **(5)** percent grade."
 - b. "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant"
 - c. "This exemption was approved based on the use of a central well and shared water system. There is no assumption that a household use only well will be a dependable water supply. Any purchaser of a parcel of land that was created by this exemption reserves the right to use the proposed central water supply."
 - d. "The shared well system approved for this exemption requires either an individual water storage tank, minimum capacity of **1000** gallons, be installed at each lot or a central storage tank, the sizing shall be a minimum of **1000** gallons per lot created and served by the central water system. This shall be done at time of building permit application at the expense of the building permit applicant."
6. Control of noxious weeds is the responsibility of the property owner.
7. The applicant shall receive any necessary driveway permits, for each lot created from the County Road and Bridge Department, prior to signing of an exemption plat.

Eric McCafferty - would like the Board to continue this meeting so that he may review the new material that he has received.

Commissioner Mackley - made a motion of conditional approval for an exemption from the definition of subdivision for Bill and Barton Porter located as described in the Staff Packet with all major issues, concerns, and recommendations including the following:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
5. e. "If a building envelope of less than one **(1)** acre is designated in an area of **40%** or greater slope, the building permit applicant shall be required to meet the provisions of Section **5.04.02** of the Garfield County Zoning Resolution."
8. That, if the water supply is to be shared, the applicant shall demonstrate that an adequate supply in both quantity and quality exists for the lots to be created. Additionally, excavation permits from County Road and Bridge, shall be necessary if the water supply line for the shared well system will necessitate the disturbance of a County Road. Criteria for demonstrating the quality, quantity and dependability of a well or a shared well system:
 - a) A well be drilled and a **4** hour pump test shall be performed;

- b) The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
 - c) The results of the 4 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
 - d) A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
 - e) An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
 - f) If the well is to be shared, the provision for individual water storage tanks of no less than 1000 gallons for each proposed lot (required at time of building permit application);
 - g) A discussion of the mechanical components of the shared well system to include the pump, water supply line, storage tank and other components (for shared well systems);
 - h) A legal, well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made (for shared well systems);
 - i) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.
9. The access road to the lots to be created shall not be in excess of 14% grade.
- Commissioner Arbaney seconded the motion; carried.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY FOUR AND ONE-HALF (4.5) MILES SOUTHEAST OF NEW CASTLE APPLICANTS: BILL AND BARTON PORTER

Don DeFord, Eric McCafferty, Bill Porter and Barton Porter were present. Don DeFord determined that adequate notice was given. This is a request for an exemption from the definition of subdivision for Barton Porter and Bill Porter located approximately 4.5 miles southeast of New Castle along County Road 314 (Alkali Creek Road).

Recommendation:

Staff recommends the public meeting be continued to allow the petitioner to complete a 24 hour pump test and demonstrate the following criteria can be met:

That, if the water supply is to be shared, the applicant shall demonstrate that an adequate supply in both quantity and quality exists for the lots to be created. Additionally, excavation permits from County Road and Bridge, shall be necessary if the water supply line for the shared well system will necessitate the disturbance of a County Road. Criteria for demonstrating the quality, quantity and dependability of a well or a shared well system.

- a. A well be drilled and a 24 hour pump test shall be performed;
- b. The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- c. The results of the 24 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
- d. A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
- e. An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person per day;

- f. If the well is to be shared, the provision for individual water storage tanks of no less than **1000** gallons for each proposed lot (required at time of building permit application);
- g. A discussion of the mechanical components of the shared well system to include the pump, water supply line, storage tank and other components (for shared well systems);
- h. A legal, well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made (for shared well systems);
- i. The water quality be tested by an approved testing laboratory and meet the State Guidelines concerning bacteria and nitrates.

*Upon the applicants satisfactorily demonstrating the above, staff recommends **APPROVAL** of the application, pursuant to the following conditions:*

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval, unless approved otherwise by the Board.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have **120** days to present a plat to the Commissioners for signature from the date of approval of the exemption. The Board may grant extensions of up to one **(1)** year from the original date of approval.
4. That the applicants shall submit **\$200.00**, per lot, in School Impact Fees for the creation of all exemption parcels.
5. That the following plat notes be included:
 - a. "The minimum defensible space distance shall be **30** feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in **"Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service)** shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five **(5)** percent grade."
 - b. "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant"
 - c. "This exemption was approved based on the use of a central well and shared water system. There is no assumption that a household use only well will be a dependable water supply. Any purchaser of a parcel of land that was created by this exemption reserves the right to use the proposed central water supply."
 - d. "The shared well system approved for this exemption requires either an individual water storage tank, minimum capacity of **1000** gallons, be installed at each lot or a central storage tank, the sizing shall be a minimum of **1000** gallons per lot created and served by the central water system. This shall be done at time of building permit application at the expense of the building permit applicant."
6. Control of noxious weeds is the responsibility of the property owner.
7. The applicant shall receive any necessary driveway permits, for each lot created from the County Road and Bridge Department, prior to signing of an exemption plat.

Commissioner Arbaney made a motion of conditional approval for an exemption from the definition of subdivision for Bill and Barton Porter located as described in the Staff Packet with all major issues, concerns and recommendations including the following:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
 5. e. "If a building envelope of less than one **(1)** acre is designated in an area of **40%** or greater slope, the building permit applicant shall be required to meet the provisions of Section **5.04.02** of the Garfield County Zoning Resolution."
 8. That, if the water supply is to be shared, the applicant shall demonstrate that an adequate supply in both quantity and quality exists for the lots to be created. Additionally, excavation permits from County Road and Bridge, shall be necessary if the water supply line for the shared well system will necessitate the disturbance of a County Road. Criteria for demonstrating the quality, quantity and dependability of a well or a shared well system:
 - a) A well be drilled and a **4** hour pump test shall be performed;
 - b) The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
 - c) The results of the **4** hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
 - d) A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
 - e) An assumption of an average of no less than **3.5** people per dwelling unit, using **100** gallons of water per person, per day;
 - f) If the well is to be shared, the provision for individual water storage tanks of no less than **1000** gallons for each proposed lot (required at time of building permit application);
 - g) A discussion of the mechanical components of the shared well system to include the pump, water supply line, storage tank and other components (for shared well systems);
 - h) A legal, well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made (for shared well systems);
 - i) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.
 9. The access road to the lots to be created shall not be in excess of **14%** grade.
- Commissioner Mackley seconded the motion; carried.

ACKNOWLEDGMENT OF PARTIAL SATISFACTION OF SUBDIVISION IMPROVEMENTS AGREEMENT - ASPEN GLEN GOLF COMPANY

Commissioner Arbaney made a motion authorizing the Chairman to sign an Acknowledgment of Partial Satisfaction of Subdivision Improvements Agreement for Aspen Glen Golf Company, A Colorado Limited Partnership for the amount of **\$251,774.00**. Commissioner Mackley seconded the motion; carried.

GOCO GRANT

Commissioner Arbaney made a motion authorizing the Chairman to sign a Professional Services Agreement between Garfield County and Shapins Associates INC., approving Shapins Associates to provide overall project coordination, general planning, and public involvement technical assistance for Roaring Fork Valley Open Space and Trails Plan. Commissioner Mackley seconded the motion; carried.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY ONE (1) MILE SOUTH OF NEW CASTLE. APPLICANT: BILL PORTER

Don DeFord, Eric McCafferty and Bill Porter were present. Don DeFord determined that Don DeFord determined that notice was given. This is a request for an exemption from the definition of subdivision for Bill Porter located approximately one (1) mile south of New Castle on County Road 314 (Alkali Creek Road).

Recommendation:

Staff recommends the public meeting be continued to allow the petitioner to complete a 24 hour pump test and demonstrate the following criteria can be met:

That, if the water supply is to be shared, the applicant shall demonstrate that an adequate supply in both quantity and quality exists for the lots to be created. Additionally, excavation permits from County Road and Bridge, shall be necessary if the water supply line for the shared well system will necessitate the disturbance of a County Road. Criteria for demonstrating the quality, quantity and dependability of a well or a shared well system.

- a. A well be drilled and a 24 hour pump test shall be performed;
- b. The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- c. The results of the 24 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
- d. A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
- e. An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person per day;
- f. If the well is to be shared, the provision for individual water storage tanks of no less than 1000 gallons for each proposed lot (required at time of building permit application);
- g. A discussion of the mechanical components of the shared well system to include the pump, water supply line, storage tank and other components (for shared well systems);
- h. A legal, well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made (for shared well systems);
- i. The water quality be tested by an approved testing laboratory and meet the State Guidelines concerning bacteria and nitrates.

*Upon the applicants satisfactorily demonstrating the above, staff recommends **APPROVAL** of the application, pursuant to the following conditions:*

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval, unless approved otherwise by the Board.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicants shall submit \$200.00, per lot, in School Impact Fees for the creation of all exemption parcels.
5. That the following plat notes be included:
 - a. "The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in **"Determining Safety Zone Dimensions, Wildfire Safety Guidelines**

for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

- b. "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant"
 - c. "This exemption was approved based on the use of a central well and shared water system. There is no assumption that a household use only well will be a dependable water supply. Any purchaser of a parcel of land that was created by this exemption reserves the right to use the proposed central water supply."
 - d. "The shared well system approved for this exemption requires either an individual water storage tank, minimum capacity of **1000** gallons, be installed at each lot or a central storage tank, the sizing shall be a minimum of **1000** gallons per lot created and served by the central water system. This shall be done at time of building permit application at the expense of the building permit applicant."
- 6. Control of noxious weeds is the responsibility of the property owner.
 - 7. The applicant shall receive any necessary driveway permits, for each lot created from the County Road and Bridge Department, prior to signing of an exemption plat.

Eric McCafferty - recommends that the Board only approve one of the proposed lots because the rest do not meet the exemption process.

The Board of County Commissioners went with Eric's recommendation.

Bill Porter - would like to at least get the one lot approved that meets all of the criteria and then for the rest of the proposed lots he will go through the subdivision process.

Commissioner Arbaney made a motion with conditional approval for one **(1)** lot only, specifically, that lot created by the physical presence of CR **314** (shown on the sketch map as '**Lot 1**'), for an exemption from the definition of subdivision for Bill Porter with the major issues, concerns and recommendations including the following changes:

- 2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities. This plat must also show the easements for the wells and water lines that would be placed on the exemption parcel.
- 5. That the lot created by this proposal use one **(1)** of the existing wells and that all permits be in place and registered with the State Engineer's Office.
- 6. c. "Prior to issuance of a building permit, the owner of each lot shall prepare and submit a soils and foundation report, an ISDS. design, and a grading and drainage plan prepared and certified by a professional engineer. All improvements shall be constructed in accordance with such measures, which shall be a condition of the building permit."
- 6. d. **DELETE PLAT NOTE**
- 9. The applicant demonstrate that the lot (s) created by this proposal can meet all requirements of the Zoning Resolution including lot size, setbacks, ISDS requirements, etc. This shall be done prior to the authorization of an exemption plat.

Commissioner Mackley seconded the motion; carried.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY TWO (2) MILES SOUTH OF GLENWOOD SPRINGS APPLICANT: CARTER JACKSON

Don DeFord, Mark Bean, Carter Jackson and John Kemp were present. Don DeFord determined that adequate notice was given. This is a request for an exemption from the definition of subdivision for Carter Jackson located approximately two **(2)** miles south of Glenwood Springs, off of State Highway 82.

Recommendation:

Staff can recommend approval of the proposed splits, subject to the following conditions of **APPROVAL:**

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval, unless approved otherwise by the Board.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have **120** days to present a plat to the Commissioners for signature from the date of approval of the exemption.
4. That the applicants shall submit **\$200.00** in School Impact Fees for the creation of each new exemption parcel.
5. That the applicant apply for and receive the necessary water taps from the City of Glenwood Springs aND provide for the infrastructure necessary to provide sufficient water to the exemption parcels. Prior to the approval of an exemption plat, the applicant must demonstrate that all water taps have been obtained and any required infrastructure has been installed to the satisfaction of the City.
6. Control of noxious weeds is the responsibility of the property owner.

John Kemp - presented a legal document entered into for a water easement and also presented the Board of County Commissioners with proof of legal source of water.

On parcel one Holy Cross will be a storage shed where no one can see it and there is a possibility of Holy Cross putting in employee housing.

Commissioner Mackley made a motion approving an exemption from the definition of subdivision for Carter Jackson with location as described in the Staff Packet with all major concerns, issues, suggested findings and recommendations including the following additional recommendations:

2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities. Specifically, a utility easement (s) for water and sewer across Parcel 3 for all other tracts of land. The following plat note will be shown on the plat:

- a. "No building permits will be issued for Parcel 1, until water and sewer lines are available at the property line."
7. That a copy of a letter from the company owning the railroad or other evidence that confirms the right to have utilities crossing the railroad right-of-way be submitted to the Planning Department prior to the signing of a plat.
8. If is not already dedicated to Garfield County, the portions of Red Canyon road included in the application, be dedicated to the County on the plat.

Commissioner Arbaney seconded the motion; carried.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY ONE (1) MILE NORTHWEST OF NEW CASTLE APPLICANTS: RICHARD AND MARY JOLLEY

Don DeFord, Mark Bean, Richard Jolley, Brett Jolley, Kent Jolley and Ann Jolley were present. Don DeFord determined that adequate notice was given. This is a request for an exemption from the definition of subdivision for Richard Jolley located approximately one **(1)** mile northwest of New Castle along County Road **245**.

Recommendation:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval, unless approved otherwise by the Board.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have **120** days to present a plat to the Commissioners for signature from the date of approval of the exemption. The Board may grant extensions of up to one **(1)** year from the original date of approval.

4. That the applicants shall submit **\$200.00**, per lot, in School Impact Fees for the creation of all exemption parcels.
5. That the following plat notes be included:
 - a. "The minimum defensible space distance shall be **30** feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in **"Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest service)** shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
 - b. "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant"
 - c. "Portions of this property lie within the designated Floodplain of Elk Creek. If any development is proposed for the area within the designated Floodplain, it will be subject to applicable County, State and federal review and permitting."
6. That the applicant apply for and receive the necessary water taps from the town of New Castle and provide for the infrastructure necessary to provide sufficient water to the exemption parcels. Prior to the approval of an exemption plat, the applicant must demonstrate that all water taps have been obtained and any required infrastructure has been installed to the satisfaction of the Town.
7. The applicant shall receive any necessary driveway permits, for each lot created, from the County Road and Bridge Department, prior to signing of an exemption plat.
8. The control of noxious weeds shall be the responsibility of the landowner.

Richard Jolley - disagrees with the Staff of the question of water and the Town of New Castle charges **\$5,300.00** per water tap.

Don DeFord - can do a Subdivision Improvements Agreement but there will still be the need for security in order to have a legal source of water.

Richard Jolley - I do have a well and registered well permit that is located on the **90** acres that I could do a pump test.

This meeting was tabled to a date certain until Richard Jolley can find the well permit and he was advised that he would need to have proof of a **4** hour pump test on the well. Commissioner Arbaney made a motion to continue the Public Meeting to **April 15, 1996 at 3:00 P.M.** Commissioner Mackley seconded the motion; carried.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY TWO (2) MILES NORTH OF INTERSTATE 70 IN CANYON CREEK APPLICANT: ROSEMARIE GLAS

Don DeFord, Mark Bean and Sherry Coloia were present. This is a request for an exemption from the definition of subdivision for Rosemarie Glas located approximately two (2) miles north of the Canyon Creek **I-70** Interchange, off of County Road **137**.

Recommendation:

That the Board continue the meeting to allow the applicant to meet the following criteria prior to making any decision on the application:

- a. A well be drilled and a **24** hour pump test shall be performed;
- b. The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- c. The results of the **24** hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;

- d. A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
- e. An assumption of an average of no less than **3.5** people per dwelling unit, using **100** gallons of water per day;
- f. The water quality be tested by an approved testing laboratory and meet the State Guidelines concerning bacteria and nitrates.

Staff can recommend **APPROVAL** of the proposed split based on historic interpretations of the natural features and public road split criteria and the approval should be subject to the following conditions of approval:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval, unless approved otherwise by the Board.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities, and the following plat note:
 - a. "Soil conditions on the site may require engineered septic systems and foundations. Specific ISDS needs on the site will be based on percolation rates at the time of building permit. Property owners have been advised that an engineered foundation may be required and should take the appropriate precautions prior to building."
 - b. "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, by the building permit applicant."
3. That the applicant shall have **120** days to present a plat to the Commissioners for signature from the date of approval of the exemption.
4. That the applicant shall submit **\$200.00** in School Impact Fees for the creation of each new exemption parcel.
5. All new construction shall be consistent with Colorado State Forest Service Wildfire Prevention Guidelines specified in the pamphlet "*Wildfire Protection in Wildland Urban Interface*" (**C.S.F.S. #143-691**)
6. Control of the noxious weeds is the responsibility of the property owner.
7. That a registered land surveyor provide documentation certifying that the property in question has at least one **(1)** acre of contiguous land less than **40%** slope prior to the signing of a plat.

Sherry Colia - Bill Bullock Jr., and Frank Harrington are present to represent Rosemarie Glas.

Frank Harrington - explained how he surveyed the property and come up with the building envelopes.

Greg McKinnis - this parcel where the canal easement goes through is in litigation at this point.

Concerned about the septic issues on the west lot ditch.

Commissioner Arbaney made a motion conditionally approving an exemption from the definition of subdivision for Rosemarie Glas location described in the Staff Packet with all major concerns, issues and recommendations including the following:

Commissioner Mackley seconded the motion; carried.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY THREE AND ONE-HALF (3.5) MILES SOUTHEAST OF GLENWOOD SPRINGS IN SPRING VALLEY APPLICANTS: PAUL AND CALVIN COX

Don DeFord, Mark Bean, John Schenk and Calvin Cox was present.

This is a request for an exemption from the definition of subdivision for Calvin, Paul and Marilyn Cox, located approximately three and one-half (3.5) miles south of Glenwood Springs, off of County Roads **115** and **119**.

Recommendation:

- a. A well be drilled and a 4 hour pump test shall be performed;
- b. The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- c. The results of the 4 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
- d. A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
- e. An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per day;
- f. The water quality be tested by an approved testing laboratory and meet the State Guidelines concerning bacteria and nitrates.

Staff can recommend **APPROVAL** of the proposed split based on historic interpretations of the natural features and public road split criteria and the approval should be subject to the following conditions of approval:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval, unless approved otherwise by the Board.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicants shall submit \$200.00, per lot, in School Impact Fees for the creation of all exemption parcels.
5. That the applicant will petition to join a fire protection district and provide a copy of the letter of acceptance prior to the signing of a plat or a plat note will be included on the plat stating that the property is not within an organized fire district and cannot expect a response in the case of a fire.
6. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities, and the following plat note:
 - a. "All new construction shall be consistent with Colorado State Forest Service Wildfire Prevention Guidelines specified in the pamphlet "*Wildfire Protection in Wildland Urban Interface*" (C.S.F.S. #143-691)
 - b. "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, by the building permit applicant."
7. Control of noxious weeds is the responsibility of the property owner.

Jim Austin - neighbor of Calvin Cox. He does not object to Calvin's exemption but he would like better road maintenance of the road.

Commissioner Mackley made a motion conditionally approving a request from the definition of subdivision for Calvin Cox location as described in Staff Packet with all major concerns, issues suggested findings and recommendations listed. Commissioner Arbaney seconded the motion; carried.

(CONTINUED) PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY ONE AND ONE-HALF (1.5) MILES SOUTHWEST OF SILT APPLICANT: LEVY E. BURRIS, JR.

Don DeFord, Eric McCafferty and Levy Burris were present. This is the continued discussion for a request for an exemption from the definition of subdivision for Levy E. Burris, Jr., located approximately 1.5 miles southwest of Silt, north of County Road 346.

Recommendation:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval, unless approved otherwise by the Board.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have **120** days to present a plat to the Commissioners for signature from the date of approval of the exemption. The Board may grant extensions of up to one **(1)** year from the original date of approval.
4. That the applicants shall submit **\$200.00**, per lot, in School Impact Fees for the creation of all exemption parcels.
5. That the following plat notes be included:
 - a. "Soil conditions on the site may require engineered septic systems and foundations. Specific ISDS needs on the site will be based on percolation rates at the time of building permit. Property owners have been advised that an engineered foundation may be required and should take the appropriate precautions prior to building."
 - b. "The minimum defensible space distance shall be **30** feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in **"Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service)** shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five **(5)** percent grade."
 - c. "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant"
"Portions of this property lie within the designated Floodplain of the Colorado River. If any development is proposed for the area within the designated Floodplain, it will be subject to applicable County, State and Federal review and permitting."
6. The control of noxious weeds shall be the responsibility of the landowner.
7. The applicant shall receive any necessary driveway permits, for each lot created, from the County Road and Road and Bridge Department, prior to signing of an exemption plat.
8. That the applicant receive all necessary water lease contracts from West Divide Water Conservancy District and all necessary well permits from the Division of Water Resources, prior to the authorization of an exemption plat.

Eric McCafferty - this application was continued due to the request from the Board of having proof of physical water. At no time during the previous meeting did the Board request applicant to show proof of a **24** hour pump test on the pre-existing well. Applicant did bring in letter addressing proof of water and presented it to the Board.

Commissioner Arbaney made a motion conditionally approving the request for exemption from the definition of subdivision for Levy Burris with location as described in the Staff Packet and not requiring **3** drilled wells on the other lots due to knowledge that property is within the water table of the Colorado River with all major issues, concerns and recommendations listed below:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
5. a. "Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."

Commissioner Mackley seconded the motion; carried.

ADJOURNMENT

Commissioner Arbaney made a motion to adjourn. Commissioner Mackley seconded the motion; carried.

FEBRUARY 20, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began on Tuesday, February 20, 1996, with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present was County Administrator - Chuck Deschenes and Clerk and Recorder - Mildred Alsdorf.

Order

Chairman Smith called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR

Girl Scouts - Be Your Best Resolution

Commissioner Mackley made a motion authorizing the Chairman to sign a resolution concerned with the proclamation of "Girl Scouts Be Your Best Day" on March 12, 1996. Commissioner Arbaney seconded the motion; carried.

Gates and Fence at Fairgrounds

Chuck Deschenes - discussed the new gates and fence being put in at the Fairgrounds and whether or not to move the Stone gates. The fence is going to be 8 foot high with barb wire.

Commissioner Arbaney - you can use smooth wire too.

Commissioner Mackley - feels that barb wire should be used.

Chuck Deschenes - is going to write a letter to the City of Rifle explaining that the Fairgrounds is going to build an 8 ft. fence with brackets and barb wire.

Sign

Chuck Deschenes released \$5,000.00 for the bond sign. He has received 2 checks from Alpine Bank already.

Bills

Chuck Deschenes distributed the bills to the Board of County Commissioners for review and discussion. Commissioner Mackley made a motion approving the bills for the month of January 1996 (2nd run). Commissioner Arbaney seconded the motion; carried.

JAIL DISCUSSION

Tom Dalessandri, Dale Hancock, Don DeFord, Al Maggard and Dave Sturges were present.

Jail Count

There are 113 total inmates. 49 in Steel Box, 44 Work release, 12 Females, 5 in Other Jails, 2 in Home Detentions, 1 Day Reporting and 2 DOCs.

Tom Dalessandri - explained that the County was in violation of the Consent Decree due to the number of inmates that is currently in the jail.

Don DeFord - stated he would need to call Frank Dubofsky within 36 hours concerning the violation of numbers and classification.

Proposed site for new jail facility

John Scalzo - feels that the Board should consider the possibility of putting the new jail in Rifle. He is present to represent citizens of Rifle who want the Board to consider Rifle as an alternative. He presented information on the 5 sites (the old mill site and the lumber yard site are best) that he is recommending to the Board and also proposed that the Jail and Courts be combined into one building. He and other citizens feel that they can offer the County a piece of property free of charge and the County could then keep the UPL site. He feels that the UPL site is the perfect place of the jail but this is a proposal for the

Board to consider if there is a problem. John is going to present this proposal with the City Council of Rifle on Wednesday night, February 21st.

Schematic Design

Dale Hancock - explained that he met with the architects and the jail portion of the facility is finished. They are now working on the administrative section. The Board will have a complete schematic design on March 4, 1996. URS had proposals during the schematics that will save the County a total of \$166,000.00. Dale will contact Liftup and explain that they need to stick with the April 1, 1996 date to vacate premises.

Financing for new Facility

Don DeFord - would like the Board to make a commitment concerning the financial package so the staff has some direction on what they are supposed to do.

Chairman Smith - is for certificates at this stage especially since there will be new Commissioners coming in November.

Commissioner Arbaney - you have to purchase certificates every year and there is a lot of money going out for renewal. He would like to know why the County could not purchase least 2 years worth of Certificates of Purchase and then go ahead and put the bond issue on the ballot for November election.

The Board is in agreement that they need to meet with the Bond Council and George K. Baum to discuss the financing and ways to finance the new facility. There will be a meeting on Thursday, February 22, 1996.

EXECUTIVE SESSION - DISCUSSION OF CONSENT DECREE AND BIO-TECH LITIGATION

Commissioner Arbaney made a motion for the Board of County Commissioners go into an Executive Session to discuss the Consent Decree and the Bio-Tech litigation. Commissioner Mackley seconded the motion; carried.

Commissioner Mackley made a motion for the Board of County Commissioners to come out of Executive Session. Commissioner Arbaney seconded the motion; carried.

PUBLIC HEARING - EXTENSION OF PRELIMINARY PLAN - MAMM CREEK INDUSTRIAL PARK APPLICANT: RIFLE LAND ASSOC.

Don DeFord, Mark Bean, Attorney David W. Robbins and Charles Chancellor were present. Don DeFord determined that adequate notice was given. Chairman Smith swore everyone in that was going to speak. Chairman Smith entered the following exhibits into the record: "A" Proof of Publication, "B" Return Receipts, "C" Project Information and Staff Comments, "D" Application, "E" Letter from Garfield County Airport Authority. This is a request for an extension of Preliminary Plan approval given to the Mamm Creek Industrial Park by Resolution No. 81-186 for Rifle Land Associates, Ltd. located approximately 3 miles east of Rifle, off of County Road 352.

Recommendation:

That the Planning Commission recommend APPROVAL of the proposed extension of the Preliminary Plan approval for the Mamm Creek Industrial Park to December 15, 1996, subject to the following conditions:

1. That the applicant comply with all conditions of approval contained in Resolution No. 81-186.

David Robbins - trying to do everything they can to meet the requirements and recommendations of Resolution No. 81-186. As far as the access road, he feels that they worked out an access with the Airport Authority where the access goes onto I-70. They

have worked very hard with the City of Rifle and Airport Authority to try and get the water and sewer out to the Industrial Building. Thanked the Board for all of their help and all of the Airport Authority's help.

Chuck Deschenes - there is a letter explaining that the industrial growth was not as rapid as everyone expected but the Airport Authority is behind the Industrial Park all of the way and feels that this is an appropriate use for the land.

Commissioner Arbaney made a motion to close the Public Hearing. Commissioner Mackley seconded the motion; carried.

Commissioner Arbaney made a motion approving an extension of Preliminary Plan approval given to the Mamm Creek Industrial Park by Resolution No. 81-186 for a 1 year period ending December 15, 1996. Commissioner Mackley seconded the motion; carried.

BID AWARD - TELEVISION SYSTEM ASSETS

Dale Hancock and John Dady were present. Dale presented the following television proposals to the Board of County Commissioners for review and discussion:

1. Channel 10 - \$30,000.00 includes all equipment and licenses
2. Channel 10 - \$15,000.00 only includes certain licenses
3. Resort Sport Channel

John Dady was present representing the Pitkin County Translator District. John explained the rest of the Pitkin Translator District would not mind getting the translator on the ballot but only for Carbondale and not the rest of Garfield County. Garfield County would have to fund this in order to put it on the ballot. He went over the letter that he had presented to the Board.

Don DeFord - the County needs to find a vehicle in order to get the issue on the ballot.

Dale Hancock - would like to know if the Board wants to sell Castle Peak and all the equipment that has been taken out of the Castle Peak storage shed.

Chuck Deschenes - would like to know if Pitkin County can feed into the Castle Peak and Sweetwater area.

John Dady - is going to try and find out the requested information.

Commissioner Mackley - does not want to make a decision until they find out more information concerning the ability to feed the Sweetwater area.

The Board continued the Television Bid award until Tuesday, February 27, 1996, at 11:45 A.M.

AMBULANCE LICENSE

Commissioner Mackley made a motion authorizing the Chairman to sign a license under the new name of SYSA Corporation. Commissioner Arbaney seconded the motion; carried.

FISCHER CREEK ROAD

Don DeFord has the location and sites of the Fischer Creek Road for vacation.

Commissioner Arbaney made a motion to set a Public Hearing on the vacation of Fischer Creek Road on April 15, 1996 at 3:45 P.M.

ROARING FORK FORUM - - INTER-AGENCY MEETING

Commissioner Arbaney made a motion for the Board of County Commissioners to recess until 2:00 P.M. in order to attend the Roaring Fork Inter-Agency meeting located in Glenwood Springs. Commissioner Mackley seconded the motion; carried.

RECONVENE

Commissioner Mackley made a motion for the Board of County Commissioners to reconvene at 2:00 P.M. Commissioner Arbaney seconded the motion; carried.

LIQUOR LICENSE RENEWALS - NEW CASTLE KOA; SUNLIGHT BAVARIAN INN

Commissioner Arbaney made a motion authorizing the Chairman to sign two Liquor License Renewals one for New Castle KOA and one for the Sunlight Bavarian Inn. Commissioner Mackley seconded the motion; carried.

ROAD AND BRIDGE DISCUSSION

Mike McBreen, King Lloyd and Joe Davis were present.

Emergency Bid Award for Motor Grader

Mike McBreen presented the Board of County Commissioners with the bids that were presented to him.

BIDDERS AND MACHINE		PURCHASE	TRADE - IN	
TOTAL				
	<u>TYPE</u>	<u>PRICE</u>	<u>PRICE</u>	<u>COST</u>
1.	<u><i>Power Motive</i></u>			
	a. 1995 Galion, 131 hours	\$131,030.00	\$10,000.00	\$121,030.00
	b. 1996 Galion, New	\$128,413.00	\$10,000.00	\$118,413.00
2.	<u><i>McDonald Equipment</i></u>			
	a. 1995 Champion, 70 hours	\$128,413.00	\$25,000.00	\$103,965.00
	b. 1995 Champion, 508 hours	\$123,000.00	\$25,000.00	\$ 98,927.00
3.	<u><i>Wagner Equipment</i></u>			
	a. 1995 Cat, 365 hours	\$139,155.00	\$31,000.00	\$108,155.00
4.	<u><i>Honnen Equipment</i></u>			
	a. 1995 John Deere, 400 hours	\$123,012.00	\$38,000.00	\$ 85,012.00
	b. 1996 John Deere, New	\$130,040.00	\$38,000.00	\$ 92,040.00

Commissioner Arbaney made a motion approving Road and Bridge to purchase a new 1996 John Deere 770BH with a cost of \$130,000.00 and trade in of \$38,000.00 for a total price of \$92,040.00. Commissioner Mackley seconded the motion; carried. Chairman Smith and Commissioner Arbaney - yes, Commissioner Mackley - no.

BLM - Four Mile Road Discussion

King explained to the Board that BLM was going to meet with the Board in March to discuss ways of upgrading Four Mile Road to a Forest Service road.

Landfill

King Lloyd presented information to the Board of County Commissioners concerning the Landfill for review and discussion. King sent a final letter to Donna at the State Department level.

Road Restrictions

Due to the weather that has been going on, King is starting stringent weight restrictions for vehicles on the county roads.

PUBLIC HEALTH NURSE - ROCKY MOUNTAIN HMO CONTRACT

Don DeFord, Mary Meisner, Margaret Long, and Jane McCollor were present. Mary Meisner distributed the preventative immunization plan and contracts to the Board for review and discussion. The contract is with Rocky Mountain HMO; Glenwood Medical Associates and Carbondale Drs. Harrington and Knause.

Commissioner Arbaney made a motion authorizing the Chairman to sign a Clinic Services Agreement between Rocky Mountain Health Maintenance Organization, Inc.

(HMO) and Garfield County Public Health Nurse for Immunizations only.
Commissioner Mackley seconded the motion; carried.

PUBLIC HEARING - ABATEMENTS APPLICANTS: JON AND CELESTE SCHULZ; JOSEPH AND CELINA CLAUDON; JESSEN C. PEDERSEN; PAUL AND DELORES JOHNSON; FRONTIER HISTORICAL SOCIETY; ROARING FORK TRANSIT AGENCY

Steve Rippy and Chuck Deschenes was present. Commissioner Arbaney made a motion approving the following abatements:

	<u>APPLICANT</u>	<u>SERIAL NO.</u>	<u>AMOUNT</u>
1.	Jon and Celeste Shulz	M004460	\$ 40.33
2.	Joseph and Celina Claudon	040030	\$ 13,573.45
3.	Jessen C. Pedersen	340860	\$156,224.44
4.	Paul and Delores Johnson	312329	\$ 73.85
5.	Frontier Historical Society	080861	\$ 530.80
6.	Roaring Fork Transit Agency	111252	\$ 9,493.37

Commissioner Mackley seconded the motion; carried.

MOTOR GRADER - EMERGENCY BID

Commissioner Arbaney made a motion authorizing the Chairman to sign the buy-back agreement for the 1996 John Deere motor grader purchase. Commissioner Mackley seconded the motion; carried.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY SIX (6) MILES SOUTHEAST OF RIFLE ON HUNTER MESA APPLICANTS: TIM AND LYNN ROE; REBECCA WILLIAMS

Don DeFord, Eric McCafferty, Tim and Lynn Roe were present. Don DeFord determined that inadequate notice was given due to property not being properly posted. The meeting was reset for March 18, 1996 at 3:45 P.M.

Executive Session - Litigation

Commissioner Mackley made a motion seconded by Commissioner Arbaney to go into an Executive Session to discuss filing civil litigation against Marvin Browning. Carried.

Commissioner Mackley made a motion seconded by Commissioner Arbaney to come out of Executive Session. Carried.

Commissioner Arbaney made a motion to authorize the County Attorney's Office to proceed against Marvin Browning in the civil action requesting to either (1) fix the problem; (2) tear it down; (3) vacate; or (4) pay ordinary fees for building permit and be in compliance. Carried.

RECESS

Commissioner Arbaney made a motion for the Board of County Commissioners to recess until Wednesday, February 21, 1996 at 9:00 A.M. Commissioner Mackley seconded the motion; carried.

FEBRUARY 21, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

A continued meeting of the Board of County Commissioners began at 9:00 A.M. on Monday, February 21, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present was County Attorney - Don DeFord, Building and Planning Supervisor - Mark Bean, Building Planner - Eric McCafferty and County Clerk and Recorder - Mildred Alsdorf.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY
FOUR (4) MILES NORTHEAST OF RIFLE APPLICANTS: AUGUST AND WARREN
JEWELL; RUTH ELDER

Planning and Building Mark Bean, County Attorney Don DeFord, August and Warren Jewell and Ruth Elder were present. Don proceeded with questions of appropriate notice. It was determined that BLM, a public land owner, was not notified and thereby this public meeting was continued until March 18, 1996 at 4:30 P.M. Don informed the applicants that new notices and posting would need to be completed.

JAIL DISCUSSION

Jail Count 114. Don is drafting notice to the federal court with the current jail count.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY TWO
(2) MILES NORTH OF SILT, SOUTHEAST OF THE INTERSECTION OF CR 250 AND CR 228
APPLICANT: SUSAN STEPHENS TRANT

Mark Bean, Don DeFord, and Susan Stephens Trant were present. Don determined that adequate notice and proof of mailing was given.

Mark Bean presented: This is an exemption from the definition of subdivision on a tract of land located approximately two (2) miles north of Silt. The request is for a split of the 32.6 acre parcel into two (2) parcels of approximately 6.0 and 26.6 acres in size.

Mark determined there was one exemption left according to the County's qualifications exemption and land use. Presently there is no demonstration that there is a physical source of water and therefore before any decision is made regarding the proposed exemption request, the Planning and Building Department was requesting the Board to continue this meeting until such was provided.

Recommendations:

- A well be drilled and a 4 hour pump test shall be performed;
- The applicant supply to the Planning Department the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- The results of the 4 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
- A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots be submitted to the Planning Department.
- An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

The staff recommended APPROVAL of the application based upon these conditions:

- That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval, unless approved otherwise by the Board.
- That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.
- That the applicant shall submit \$200.00 in School Impact Fees for the creation of new exemption parcel.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities. Additionally, the following plat notes shall be shown:

{ "All new construction shall be consistent with Colorado State Forest Service wildfire prevention guidelines specified in the pamphlet "Wildfire Protection in Wildland Urban Interface" (C.S.F.S. #143-691)"

{ "If or when the County adopts a road impact fee, the lots created by this exemption will be subject to paying that fee, paid at time of building permit application by the building permit applicant."

5. Control of noxious weeds is the responsibility of the property owner.

6. Driveway permit to be acquired prior to signing of a plat.

7. Demonstrate that there is a physical source of water for the well.

And adding to the plat note (4): Soils information indicates there may be shrink well potential for structures and that caution should be taken into construction of any foundation of a house on this site.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve an exemption from the definition of subdivision for Susan Trant for a section of land as described in the staff packet proposing the split of 32.6 acre parcel into two (2) parcels of approximately 6.0 and 26.6 acres in size with the issues and concerns, suggested findings and recommendations of staff, and conditions numbering (7) seven as read into the record. Carried.

COMMUNICATION CENTER REPORT

Jim Stevens reporting: A power outage has affected the powered generator on Lookout and Jim reported that 911 is to go down within the hour - 10:35 A.M. However, Holy Cross is working on the repairs. The 911 can switch to the Rifle; the dispatch center is running on battery powered back-up and losing phone calls, losing calls in; however, Rifle is backing up the Glenwood office and if a unit is not being responded to, Rifle is handling it. Jim wanted to advise the Commissioners that dispatch was possibly going down within the hour. Measures are being taken to assist Rifle including sending a Glenwood Dispatcher to their center.

Commissioner Smith suggested the radio stations be notified that we are having problems with the dispatch and also going on the public access channel. She suggested the announcement assure individuals that 911 is being tied back into the Rifle office.

Jim informed the Commissioners that Rifle was not tied into regular calls, only on 911 calls. Other calls cannot be transferred due to the problem of not having call forwarding in place. Discussion included switching to the Carbondale Fire Department; making a public service announcement; and/or running a gas powered generator to the site on Lookout. All of these will be checked into by Jim.

Jim informed there is a 2 P.M. meeting for subscribers fees to be held at the Sheriff's office.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY TWO (2) MILES NORTHEAST OF SILT, ALONG CR 250 APPLICANT: ARTHUR BARROWS AND LUANN PFIFFER

Mark Bean, Don DeFord, Arthur and LuAnn Pfiffer were present. Don determined that notice and publication were adequate.

Mark presented: This is a request for an exemption from the definition of subdivision for a tract of land located approximately two (2) miles northeast of Silt, off of CR 250. The applicant is proposing the split of the 60.0 acre parcel into two (2) parcels of approximately 20.0 and 40.0 acres in size.

Recommendations: Staff can recommend approval of the proposed split, subject to the following conditions of approval:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval, unless approved otherwise by the Board.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots and any proposed easements for setbacks, drainage, irrigation, access or utilities. Additionally, a 60 ft. right-of-way will be legally described and dedicated to the County on the plat, which will require a dedication statement by the owners and an acceptance statement for the Board of County Commissioners.

That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.

Control of noxious weeds is the responsibility of the property owner.

Discussion included a dedication on the plat for the County to have a 60 foot right-of-way on County Road 250; however, when the County rebuilds a road and fences need to be moved, then the County rebuilds the fences.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the request for an exemption from the definition of subdivision made by Arthur Barrows and LuAnn Peiffer for a tract of land located approximately two (2) miles northeast of Silt, off of CR 250 as shown in the staff description of the proposal, major issues and concerns, suggested findings, and recommendations including adding a dedication on the plat for the County to have a 60 foot right-of-way. Carried.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY ONE (1) MILE NORTH OF CATTLE CREEK APPLICANT: ELAINE BERTHOLF

Chairman Smith excused herself from the meeting due to a conflict of interest. Commissioner Mackley will serve as the Chairman of the Board.

Eric McCafferty, Don DeFord, Walt Brown and Sherry Caloia were present. Don determined that notice and publication were adequate to proceed.

Eric McCafferty presented the request for an exemption from the definition of subdivision made by Elaine Bertholf for a 6.69 acre tract of land located approximately one (1) mile north of Cattle Creek along CR 114. The applicant intends to divide, by exemption, the 6.69 acre property into two (2) parcels of 3.4 and 3.3 acres each.

Recommendations:

Staff recommends the public meeting be continued to allow the petitioner time to complete the water supply information, which shall include a favorable decree from the State Engineer's Office and, if necessary, the issuance of Basalt water contracts for augmentation water. However, based upon Sherry Caloia's testimony, Eric removed his recommendation for a continuance and stipulated it would be included in "conditions of approval" made before the Board that prior to issuance of a plat note appropriate documentation would be submitted in regard to legal access to water.

Upon the applicants satisfactorily demonstrating the above, staff recommends APPROVAL of the application, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.

That the applicant shall submit \$200.00, per lot, in School Impact Fees for the creation of all exemption parcels.

That the following plat notes be included:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modifications to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade." "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by the exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit application." "This exemption was approved based on the use of a central well and shared water system. There is no assumption that a household use only well will be a dependable water supply. Any purchaser of a parcel of land that was created by this exemption reserves the right to use the proposed central water supply." "The shared well system approved for this exemption requires either an individual water storage tank, minimum capacity of 1000 gallons, be installed at each lot of a central storage tank, the sizing shall be a minimum of 1000 gallons per lot created and served by the central water system. This shall be done at time of building permit application at the expense of the building permit applicant." "Prior to issuance of a building permit, the owner of each lot shall prepare and submit a soils and foundation report, an I.S.D.S. design, and a grading and drainage plan prepared and certified by a professional engineer. All improvements shall be constructed in accordance with such measures, which shall be a condition of the building permit."

The control of noxious weeds shall be the responsibility of the landowner.

The applicant shall receive any necessary driveway permits, for each lot created, from the County Road and Bridge Department, prior to signing of an exemption plat.

That, if the water supply is to be shared, the applicant shall demonstrate that an adequate supply in both quantity and quality exists for the lots to be created. Criteria for demonstrating the quality, quantity and dependability of a well or a shared well system. (a) A well be drilled and a 4 hour pump test shall be performed; (b) The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level; (c) The results of the 4 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department; (d) A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department; (e) An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day; (f) If the well is to be shared, the provision for individual water storage tanks of no less than 1000 gallons for each proposed lot (required at time of building permit application); (g) A discussion of the mechanical components of the shared well system to include the pump, water supply line, storage tank and other components (for shared well systems); (h) A legal, well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made (for shared well systems); (i) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

That a letter be submitted from the appropriate fire protection district indicating emergency services will continue to be provided to the parcels to be created. Additionally, the following plat notes shall be shown: "All new construction shall be consistent with Colorado State Forest Services wildfire prevention guidelines specified in the pamphlet "Wildfire Protection in Wildland Urban Interface" (C.S.F.S. #143-691)"

That the State Engineers office approve the well permit application for expanded use of existing well and Basalt Water Conservancy District contract be approved for augmentation water prior to the authorization of exemption plat.

All lots be in compliance with Section 5.04.02 as pertains to slope.

Impact fee of \$235.00 paid to the Carbondale Fire District and a letter stating this exemption is within their fire district.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve an exemption from the definition of subdivision for Elaine Bertholf for a tract of land located approximately one (1) mile north of Cattle Creek along CR 114 to divide, by exemption, the 6.69 acre property into two (2) parcels of 3.4 and 3.3 acres each as described in the staff packet along with major issues and concerns, suggested findings, recommendations and add #10 - legal water supply; #11 - less than 40% slope; and #12 fire district impact fees of \$235.00 and a letter stating this exemption is in the Carbondale Fire District as read into the record. Carried.

Executive Session - Cedar Hills Subdivision Legal Matters

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to go into Executive Session to discuss the Cedar Hills legal matters. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session. Carried.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY TWO (2) MILES EAST OF SILT APPLICANT: TAMERA DUPLICE

Eric McCafferty, Don DeFord, Walt Brown and Sherry Caloia were present. Don determined adequate notice and publication was given and the Board was entitled to proceed.

Eric McCafferty presenting: Staff recommended the public meeting be continued due to allow the petitioner time to complete the water supply information, which shall include a favorable decree from the State Engineer's Office, if necessary, and the issuance of West Divide water contracts for augmentation water.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to continue the Public Meeting until 2:30 P.M. on May 13th for Tamera Duplice. Carried.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION - LOCATED APPROXIMATELY THREE (3) MILES NORTH OF RIFLE APPLICANT: MANGURIAN PARTNERSHIP

Eric McCafferty, Don DeFord, and Attorney John Schenk representing the Mangurian Partnership were present. Don determined adequate notice and publication was given and the Board was entitled to continue.

Randy and Jerry Duran appeared before the Commissioners. John Schenk verified a letter had been sent to a Woody Creek address obtained from the Assessor's office tax notice records.

Don stated the address required to send public notice was required to be from the Assessor's office or the Clerk and Recorder's Office. Therefore, following standard practice, the notice was accepted as valid to the address shown in the Assessor's Office.

Eric McCafferty presenting: This is a request for an exemption from the definition of subdivision on a tract of 81.7 acres of land located approximately 3.5 miles north of Rifle, immediately north of CR 251 (North Hasse Lane). The applicants propose to divide, by exemption, the 81.7 acre tract into four (4) parcels. Three (3) of these parcels would be approximately 3.9 acres and the remaining parcel would consist of the remaining 70 acres. The three (3) smaller lots would be aligned in a linear fashion along CR 251 and the 70 acre parcel would be located directly north of the smaller lots.

Recommendations:

Staff recommends APPROVAL of the application for one (1) parcel, to be decided upon by the applicant, pursuant to the listed conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of three proposed lots, access to a public right-of way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.

That the applicant shall submit \$200.00, per lot, in School Impact Fees for the creation of all exemption parcels.

That the following plat notes be included:

"The

minimum defensible space distance shall be 30 feet on level terrain , plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

The control of noxious weeds shall be the responsibility of the landowner.

The applicant shall receive any necessary driveway permits, for each lot created, from the County Road and Bridge Department, prior to signing of an exemption plat.

That, if the water supply is to be shared, the applicant shall demonstrate that an adequate supply in both quantity and quality exists for the lots to be created. Criteria for demonstrating the quality, quantity and dependability of a well or a shared well system:

- v a) A well be drilled and a 4 hour pump test shall be performed.
- v b) The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- v c) The results of the 4 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
- v d) A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
- v e) An assumption of an average of no less that 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- v f) If the well is to be shared, the provision for individual water storage tanks of no less that 1000 gallons for each proposed lot (required at time of building permit application);
- v g) A discussion of the mechanical components of the shared well system to include the pump, water supply line, storage tank and other components (for shared well systems);
- v h) A legal, well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made (for shared well systems);
- v i) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

Comments from the audience:

Robert Caliva - read letter into the record. He stated he was one of the owners adjacent to the property that is being proposed. "This property is being subdivided for residential use. The trend of the converting of agricultural property into residential is relentless, and is alarming and is recognized by the Governor as a major problem plaguing Colorado. Considering the whole of society, the land in question is better suited for other purposes than residential and is therefore not a good candidate for conversion. We must exercise the foresight to preserve agricultural land in such cases as this. If not, again, at the end of this year, tens of thousands of more acres of prime farm land will be everlastingly lost from production and as habitat for wild creatures. We all recognize the problem confronting human society and Garfield County in particular in loss of open space and agricultural land. Human population is growing out of poor planning and seeming each insignificant choices that individuals make to break tracts into smaller fragmentations paint us and all other creatures little by little into a corner. The problem and its causes are enormous. If we recognize the cause we must inform and influence each of the choices that contribute to the whole of the problem. Otherwise we will keep heading along the same path and end up in the degradation none of us want. I oppose this subdivision because it will contribute to the fragmentation and the loss of viable land, diminish the ability of future generations to provide for themselves and injured wildlife. If proceeds from the subdivision of this land were necessary to sustain the petitioners then it would be at least a debatable

league. In this instance, need does not exist while the ability to subdivide is inevitable according to State law and County regulations. This case highlights the conflict between the division of the County and body and its Comprehensive Plan and the unintended negative effect made possible by County regulations. I urge the petitioners to withdraw this application if the petitioner is unwilling then I urge the County Commissioners not to grant approval and to change the regulations to conform and to support the comprehensive plan." Now this is a letter I am reading in part from John Powers who wasn't able to be here. And I think most of the property owners that are involved agree with this. In addition, I would like to point out one other point that I think we should address which the petitioner has stated, it the size of the proposed parcels are similar to those in the area. This is quite true but not entirely, the smaller pieces that we are referring to are up against the hillside. They are not farmable; they are not applicable to good farming. Other than this, that is my point.

Randy Duran - basically the letter read from John Powers, we concur with the contents of that letter, it succinctly represents exactly the way that we feel regarding construction of the environmental situation for all the wildlife that is in there. We personally moved from a bustling metropolis of Denver 12 years ago to come to the Western Slope to yes, have good neighbors and to enjoy all the wonderful things that God has given to us. This is a real nice situation and the letter goes along with our frame of mind. My wife and I concur with the letter and ask the Commissioners to deny the proposal for the fragmentation of the land.

Ann Catherine Robinson - I managed Mr. Mangurian's Ranch about three years ago or so for about 2 1/2 years and I was very proud of putting that 82 acres, which is really between the beautiful creek and wildlife habitat and the neighbor's sense and the highway, a beautiful 68 acres of brand new alfalfa field. And there is a lot of places in this county that can't raise a thing. And I don't think - we all need besides people - they need to live somewhere - but that's true it is just a big flat alfalfa field. It's only in its third year of production and it was superb. Mr. Gentry who leases it now said Cal, we should have put more seeds in it, cause then he would have had a bigger crop. But it is a good alfalfa field and I think it ought to stay that way.

Mike Johnson - I bought the little portion of the farm or ranch from the Mangurian Partnership back in 1993 with an understanding that this parcel we are discussing today and the one next to the golf course would be made available to me at some future point which so far has not transpired, so at this point I don't want to risk alienating anyone although I do oppose subdividing this property and I think there could be a solution in that if the original agreement that I reached were lived up to then we could keep this place as a agricultural area instead of a sub-division. And I am a full time resident at that address.

Randy Duran - to correct Mr. Schenk, we do not have 105 acres of property personally, it's Mr. Johnson - we only have 30 acres.

Mr. Schenk - Mr. Johnson, I have to make this record clear right now because I handled both contracts and I just supposed the names and I apologize for that, you say you have a right of first refusal of this ground?

Mike Johnson - well I had an agreement with him on a price and whether you want to look at that as a right of first refusal to me it was an oral option - not a written option. And it was witnessed by the Realtor whose name is Rudy Steele.

Mr. Schenk - but this is a legal issue that I want to make real clear in this record you have no written right of first refusal... it was just a general discussion...

Mike Johnson - no, it was more than just a general discussion, it was part of the negotiations in buying the property. And at one point it was revived and - the property was offered to me, but it was offered to me at a different price than this oral option.

John Schenk - you are still at this address

Mike Johnson - it's 2384 Hwy. 325.

John Schenk - because if you claim that right, we have to resolve that and I just want to contact you on that directly. I just want to make it clear of the record that no right of first refusal exists in the general discussions, but whatever this tape is used for, if it could be used for any kind of evidence for that fact, that we will absolutely inequitably refute that. And put that in the record, the property was sold, it was sold at arm's length and we're happy to sell it and it was a fine transaction but that was the extent of it and to suggest that this property was an option is simply incorrect and I want what is taped to reflect that, and I will deal with this afterwards. Mr. Duran, you purchased your property also from Mr. Mangurian in 1992 and you purchased the acreage that you described, 30 acres thereabouts you say. And you didn't get any promises from Mr. Mangurian as to what he would do with the rest of his land in that transaction?

Randy Duran - no

Ms. Robinson - you still have a subdivision and you did not get any sort of promises from Mr. Mangurian with what he'd do with the rest of his land in that transaction did you?

Ms. Robinson - no, not at all.

John Schenk - you have a subdivision that lies just east of the Rifle Creek in this area?

Ms. Robinson - yes

John Schenk - and how many lots do you have in that subdivision?

Ms. Robinson - sixteen

Mr. Schenk - and that's still a viable subdivision?

Ms. Robinson - yes; approved; recorded.

Mr. Schenk - there is a certain land configuration there that is suggested. It is this nice rural area. If the land was left as agricultural land, none of these folks would have their houses to live in because they were all broke out of the big ranches that were there. I looked at the abstract, Mr. Mangurian has held his pieces together in fact the piece that the Duran's own was formerly owned by Mrs. Robinson that was sold by an intermediate interest along the way and was a part of the original ranch. Mr. Mangurian has been a steward of the land in the sense he hired Ms. Robinson and she's right, it was put into alfalfa, now sterilize it for any other development and make it open space for everyone else. Mr. Mangurian may not have the financial need, but Mr. Caliva's suggestion that somehow or another one's need for money makes a difference ought not to enter into anybody's discussion or considerations. It is interesting to note that Mr. Hennings lot, who is not here, (Ms. Robinson's brother has a small lot just adjacent to this) has a very nice attractive house and I don't think there going to be a wholesale degradation of the land or its agricultural by values by this one small lot here and would ask the Commissioners to approve the single lot.

Chairman Smith - John, just so I am clear in my mind, instead of the map we have in front of us, you are essentially just asking for one exemption.

John Schenk - yes and I would assume it would be lot three but I don't want to preclude a right to expand that or change the configuration - the lot would be along that south line, it would not move north, it would be somewhere along the road.

Chairman Smith - I don't know if everybody realizes that this is what, instead of four he is just asking for one that he has changed.

Mike Johnson - we also have not seen what the configuration is of any of the lots.

John Schenk - explained and showed the map and fully explained the proposal. He explained that they had submitted for three lots. I would argue that the County has approved exempt lots in bigger pieces and non-exempt. The issue was clarified about the way the parcel will be divided. This property is along the road. He further stated no one disagrees with the view held on the agricultural argument, but they would not agree either.

Randy Duran - should this be approved, how much precedence will this set to one-two-three years down the road that the same thing comes in and we're be doing this again?

John Schenk - explained that the County is attempting to change this.

Chairman Smith - you might explain where we are but that we haven't got it done yet.

John Schenk - right, the County Commissioners are in the process right now of reviewing the entire exemption process.

Randy Duran - we'd sure like you to go back to the comprehensive plan.

John Schenk - even if an exemption occurs it does not preclude full subdivision in the future, but that is a different, more extended public hearings and that type of things; but in terms of exemptions, this is probably the end of the line for this type of parcel.

Commissioner Mackley - the current type of Comprehensive Plan we are working on is for two acre - the zoning is for two acre lots in this entire area.

John Schenk - 81 is the entire parcel site and this proposal cuts it to 3.9 acre minimum

Don DeFord - can you represent a size limitation

John Schenk - 3.9 acre minimum - the one lot, lot number 3 - it may be bigger, but no one has ever objected to a bigger lot. -

??? - How about a maximum - ans. - 10 acres.

Don DeFord - in terms of the letter we received from the Words, can you explain for the record how that's resolved so that because the letter is of record.

John Schenk - the letter is of record, also my letter should be made of record.

Don DeFord - oh, I didn't see your letter. all right, this - I would suggest the representation of Mr. Schenk in his letter dated February 20, 1996 also be made a condition of approval for the reason that when we have an exemption plat we won't have a dispute relative to the boundary lines on the plat.

John Schenk - no problem.

Commissioner Mackley - what we have to look at is that it qualifies under the current regulation.

Eric McCafferty - yes, it does appear to qualify for one lot. Since there was so much discussion, this is a discretionary process, whether all the criteria is met or not, the Board does not necessarily have to approve.

Commissioner Arbaney - you don't have to approve, but it has met all the regulations. Philosophically, I don't want to break up agricultural land, but I also believe in property rights and owners of property have certain rights and this happens to be a portion of his rights, as much as it disagrees with my own personal philosophy.

Randy Duran - I agree, he has the right to sell if we can't keep him from it. How does he go about it.

That's the next question. Everybody's heard chop chop chop - break the land, take my money and leave.

Chairman Smith - back here to the Fire Protection letter from Mike Morgan - does he have a water supply out of Rifle Creek so he could put in a dry hydrant?

John Schenk - no, just irrigation rights so we would like to see that particular aspect not a part of it because that is not going to help anybody. The house will be no different from any other house out there from the standpoint of a dry hydrant.

Discussion ensued about the issue of fire protection and the cooperation of homeowners in the immediate area.

Randy Duran - subject to his speaking to an attorney, however, he will talk to Mike Morgan about a dry hydrant.

Commissioner Arbaney - I would like to see it stay at 4 - 5 acres.

John Schenk - That's okay.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve an exemption from the definition of subdivision on a 81.7 acre tract of land located approximately 3.5 miles north of Rifle; immediately north of CR 251 (North Hasse Lane) for only one lot size with a maximum of 4 - 5 acres in size as per the description as included in the staff packet, with all major issues and concerns, suggested findings, recommendations, and conditions adding: #10 - the applicant shall receive an approved well permit from the State Engineer's Office prior to pre-authorization of plat; #11 - approved lot would be between the size of 4 acres - 5 acres; #12 - the letter from Mr. Schenk dated 2/20/96 and all provisions of the letter shall be conditions of approval which shall be met prior to authorization and issue of plat; # 13 to work with best efforts with the Fire Department on the installation of a dry hydrant.

Discussion included: R C & D will install and will cooperate with fire districts with special rates. John Schenk is to call Mike Morgan and work with him on this. A wild guess of less than \$500 cost. Motion carried.

Executive Session - Consent Decree and Article in Newspaper

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into Executive Session to discuss the Consent Decree. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session. Carried.

FEBRUARY 26, 1996
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

A continued meeting of the Board of County Commissioners began at **9:00 A.M.** on **Monday, February 26, 1996** with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present was County Attorney - Don DeFord, Building and Planning Supervisor - Mark Bean, Building Planner - Eric McCafferty and County Clerk and Recorder - Mildred Alsdorf.

ORDER

Chairman Smith called the meeting to order at **9:00 A.M.**

PUBLIC MEETING FOR A SUBDIVISION EXEMPTION LOCATED APPROXIMATELY ONE-HALF MILE NORTHEAST OF SILT APPLICANT: NORMAN AND CHERYL CHANDLER

Don DeFord, Mark Bean, Norman and Cheryl Chandler were present. Don DeFord determined that there is a question of adequacy of notice due to the fact that there were 3 property owners were not notified. Commissioner Mackley made a motion to rescheduled the Public Meeting for **Monday, April 1, 1996 at 2:30 P.M.** Commissioner Arbaney seconded the motion; carried.

EXECUTIVE SESSION - DISCUSSION CONSENT DECREE

Commissioner Arbaney made a motion for the Board of County Commissioners to go into an Executive Session to discuss the Consent Decree. Commissioner Mackley seconded the motion; carried. Commissioner Arbaney made a motion for the Board of County Commissioner to come out of an Executive Session. Commissioner Mackley seconded the motion; carried.

PUBLIC MEETING - SB 35 EXEMPTION LOCATED APPROXIMATELY ONE (1) MILE SOUTHEAST OF RULISON APPLICANTS: TERRI AND SAM POTTER

Don DeFord, Mark Bean, Thomas Odgers and Sam Potter were present. Commissioner Mackley excused himself due to possible conflict of interest.

This is a request for an exemption from the definition of subdivision for Thomas Odgers and Samuel Potter located approximately one **(1)** mile southeast of the Rulison **I-70** exit.

Recommendation:

Staff cannot recommend **APPROVAL** of the proposed splits, given the lack of certainty regarding the legality of the source of water and the questions being raised by the neighbors regarding the physical supply to the proposed parcels and the impact to their wells due to draw down. Before the Board should consider any kind of approval, additional documentation needs to be submitted regarding the water supplies and the potential for contamination from ISDS from the proposed lots.

Sam Potter - his partner is Thomas Odgers and they purchased the property last May and feel that the subdivision exemption request is within the required scope of regulations. He presented a map of the property and proposed parcels to the Board for review. What we are suggesting is not out of character for the Rulison area and he is not interested in downgrading the area and he should have the right to do with his property what he wants.

Wayne Wells - owns property east of the Potter's. The major concern is water. The well will not even do tow **(2)** loads of laundry per day and the springs are very unpredictable per year. Development is another concern of his. The applicants do not have a full subdivision buildout plan. The easements are another concern of his and the applicant does not have all of the easements located on the property. Requests the Board to deny the request of exemption from definition of subdivision.

Jeff Houck - Partner Sherry Coloia has supplied the Board with letters concerning the physical supply of water. The legal water supply for the remaining three residents are a big concern to the neighbors and residents of Mr. Gibbs. The water is only legal for irrigation at this time and the applicant has applied for the water to be allowed to be used all year round and the residents have a letter of opposition submitted to the courts. He advised the Commissioners of the Colorado Rights of Water that can occur in the Water Court. No evidence of physical water supply offered by the applicant or a well agreement. The application was filed in **January 1996**, and the statements of opposition expires in **March 1996**. Jeff feels that for this matter to be over in the Water Court would be more than **8** months periods.

Evalynn Scott - main concern is water. Most of the wells in the area have a reduction flow in dry years. Sewage is another concern that the sewage is uphill from the residents wells and they are concerned with the possibility of contamination. If subdivision is approved, it will decrease values in home. Requests that the Board deny the subdivision request. She is also present representing Mr. Gibbs whom is sick and she read a letter into the record from Mr. Gibbs who is concerned about the lack of water and contamination of sewage.

FEBRUARY 27, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

A special meeting of the Board of County Commissioners began at 6:30 on Tuesday, February 27, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney were present. Also present were: Planning and Zoning Commission - Jim Snyder, Cheryl Chandler, Phil Von, Stacy Ellers, Dick Stephenson, John Fulkrod, Anna Price, Clerk and Recorder - Mildred Alsdorf

Order

Chairman Smith called the meeting to order at 6:30 P.M.

Public Hearing - Proposed amendments to the zoning and subdivision regulations

Chairman Smith - working on the Exemption process and recommending changes. There was a decision that there was a number of issues that needed to be changed.

Mark Bean - after the last hearing we tried to use some of the suggests that was heard in the changes that would benefit the residents of Garfield County, the Building and Planning Department and the Planning and Zoning Commission.

Don DeFord - explained why there are proposed amendments and how the Colorado Water Division came to the Board concerning water supply on exemptions. The second issue came from the Planning and zoning Commission concerning subdivisions being required to comply with the Comprehensive Plan that was amended in 1996. Third, there were a number of subdivision issues that came to the staff concerning regulations with Water, Sewer, etc. Proposals were made to the Planning and Zoning Commission by the Staff to try and improve the above 3 issues and through discussions is where these proposed amendments came from. These proposals would be required to comply with the new amended Comprehensive Plan. The following are some of the solutions with these proposal:

1. Elemination of the Subdivision Process
2. Alteration of the Subdivision regulations

Don read into the record a memo written by Mark Bean for following suggested changes to the propo0sed amendments to the Zoning Resolution. The Staff comments are Mark Bean's comments and Don agrees with all except the comment with the water and Don feels that there can be wording for having an augmentation plan and it can be worked out with the Planning and Zoning Commission. John Fulkrod - does not see a problem with having a request of an augmentation plan at the time of Final Plat.

Don DeFord - an augmentation plan needs to be proposed at the the Preliminary Plan. There are statutory requirements that require the proposals meet with the State Engineers regulations or the County has to make regulations for liability.

John Fulkrod - in the last meeting on the Zoning, we had a discussion concerning the legality of coming back to the Planning Commission to change density. Basically, the Comp plan is an advisory document and the Planning Commission is an advisory group that advise the Board of County Commissioners on their opinions of land use and it is the Board of County Commissioners are the ones who need to make the decisions.

Don DeFord - it is clear that the Planning and Zoning Commission can not make decisions in the zoning changes.

Mark Bean - the 1984 comprehensive plan was created for changing the densities.

Don DeFord - if you can find the legal boundaries of the Study Area 1 then you implement the new regulations downvalley after the hearings with the Planning and Zoning Commission and public input from the residents. Don read the Statutory Regulation 24-67-124 in which the Board of County Commissioners are going by in order to make the proposed amendments.

Pat Fitzgerald - would like to discuss the deletion of the exemption process. He feels that the exemption process is better for the rancher and farmer and that by deleting it it will only cause problems for the farmer and rancher. 90% of the landowners property values will decrease if the

County decides to delete the exemption process. Specific items that need to back to the Planning and Zoning Commission are:

1. No flexibility
2. PUD needs to be 15 acres - not as a regulations
3. Minor subdivision - fine certain instances - not for farmers and ranchers
4. Reliance of outside experts - make applicant put up a bond instead to backup what they recommend or request.

Pat feels that the Comprehensive Plan needs to go back to the Planning and Zoning Commission for rework.

FEBRUARY 28, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

A continued meeting of the Board of County Commissioners began at 6:30 P.M. on Wednesday, February 28, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present was County Attorney - Don DeFord, Building and Planning Supervisor - Mark Bean, and County Clerk and Recorder - Mildred Alsdorf.

Members of the Planning and Zoning Commission in attendance included: Jim Snyder, Cheryl Chandler, Phil Vaughn, Staci Ehlers, Dick Stephenson, John Foulkrod, Calvin Lee, Steve Anthony and Anna Price.

Chairman Smith called the meeting to order and announced the agenda. She also reported the Commissioners and Planning Commission have been going over the Subdivision Exemption Process and Recommended Changes.

Commissioner Mackley suggested there be a synopsis of the previous sessions in regard to the recommended Subdivision Exemption Process.

Don DeFord - During the course of this year there really were three major issues that came to the staff's attention both from the County Commissioners and the Planning and Zoning Commission. The first issue brought forth was the exemption process, by which property can be split into smaller parcels in the County without going through the full subdivision process. It was brought to the Commissioners agenda originally because the Division of Water Resources declined to review many of the exemption review requests which were coming to the County for adequacy of a legal water supply. From the staff's perspective, the County did not have the ability to make that judgment because it was really something that belongs with Division of Water Resources and the State Engineer's office. Additionally, the Commissioners had indicated to us that they had some other difficulties with the exemption process. So it was discussed during the first part of this year whether or not the exemption process should be modified or more importantly to meet the concerns of the Division of Natural Resources and the State Engineer as to whether or not that process should be put into form of some type of regular subdivision procedure. The second issue that came to the forefront is from the Planning Commission and it was tied to the Comprehensive Plan. The question really arose during one specific hearing about whether or not a subdivision presented through the Planning Commission could be required to comply with the Comprehensive Plan that the Planning Commission adopted this year which is the material being discussed here during the course of the evening on Study Area I - generally speaking Carbondale/Glenwood Springs area. So the Planning Commission had concerns about whether or not they put in force or at least implement some of the provisions of the Comprehensive Plan. They wanted to know what type of regulatory process do they put in place to accomplish that. And thirdly, there were a number of subdivision issues that specifically had come to the staff's attention as areas of concern over the last several years actually. Questions about the Specificity/Clarity of County regulations on water/sewer and some other issues. So in response to these requests originally in August of 1995 proposals were made by the staff to the Planning Commission on methods under which some of the issues could be addressed. Actually, I don't think we are at a point right now where any of the original proposals are still on the table because we had a number of public meetings during the course of the Fall of 1995 with the Planning Commission to discuss methods of addressing these issues. From those discussions, the current proposed regulations have evolved. They're detailed regulations in some areas basically fall into three areas: elimination of the exemption process; alteration of the subdivision process that will generally allow three types of subdivisions to come before the Commissioners - **minor process** which reads up to seven separate lots; a **regular subdivision** which would cover the area between eight and forty-nine lots; and a **major subdivision** which would cover fifty lots or more. There are changes proposed to the PUD Process and the Subdivision Process that would require, at least in part, compliance with the Comprehensive Plan.

Because Don thinks there has been some misunderstandings, he clarified that these proposals would require compliance with the Comprehensive Plan throughout the County. They are not limited to this particular Study Area. They also would implement provisions of the 1984 Comprehensive Plan which to date has never been implemented through Zoning. And lastly, there are some specific and detailed alterations to Subdivision Regulations that generally providing a serious standard for water quantity that must be demonstrated in the subdivision process; some standards to when a legal supply must be demonstrated in terms of water; some declarants in terms of adverse impacts such as the ISDS systems although there are others. This is a general summary.

MARCH 4, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 4, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator - Chuck Deschenes and County Clerk and Recorder - Mildred Alsdorf.

CALL TO ORDER

Chairman Smith called the meeting to order at 8:05 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report which included: (1) Fixed asset deletion sheets from Social Services for items that were on inventory that were under \$500 (a couple of years ago the statute was changed to over \$500). (2) Jeff Parker from Aspen Crystal River Estates wanting a letter from Considine regarding an offer on some property. Chuck was instructed to tell Mr. Parker that until the road problems are solved, there is no property for sale. These would go as a competitive bid item when they do become available for sale.

Interview - Library Board

Susan Barrena was present for an interview with the County Commissioners for the vacancy on the Library Board. Chuck mentioned Dee Blue and Diane Dick had also been interviewed for the vacancy.

Susan stated she was currently the President of the Garfield County Adult Literacy Board and a literacy tutor. She has a keen interest in books, reading and literacy. Her philosophy is that reading is the key for people to realize their potential.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to appoint Susan Barrena to the Library Board for a five (5) year term. Carried.

Fairground Board Appointments

The following members to the Fairboard were reappointed:

Dick Morgan, Frank Starbuck, Dorothy Cusack, Ed Cooley, Ed and Denise Abler, Bob Bungardner, Darlene Mackley, George Robinson, Kim O'Neal and Robert Fluor.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to reappoint the members as read into the record. Carried.

Undesirable Plant Advisory Board

One new applicant for this Board. Five vacancies available.

Human Services Commission Appointment

A motion was made to appoint Lois Hybarger to the Human Services Commission by Commissioner Mackley and seconded by Commissioner Arbaney. Carried.

Roaring Fork Forum

Commissioner Mackley made a motion that Buckey continue to serve on this committee. Chairman Smith stepped down to second the motion. Carried.

Planning Commission

A decision was reached to hold off on the appointment for this vacancy.

Extension Meeting

The next meeting time was set for March 7, 1996 at 9:00 A. M.

Pat Coryell

Don DeFord and Steve Rippy were present for the report. Steve reported the second portion of the Coryell Road was not resolved. Pat Coryell is still getting taxed for that portion. Tax of \$21.95 due April 30, 1996.

MARCH 11, 1996
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 11, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator - Chuck Deschenes and County Clerk and Recorder - Mildred Alsdorf.

ORDER

Chairman Smith called the meeting to order at 8:05 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes presented the bills and payroll for approval of the Commissioners.

Chuck reported on the following: The long distance phone service results have not been received and Chuck stated he would give an update and postpone this until next meeting; Journal entries were submitted and Chuck explained how cash was entered and unusual disbursements could be journalized in; and on Thursday, he had attended the AGNC Meeting. He had received a fax from Battlement Mesa, Larry Luske. The major issue with the Department of Local Affairs was the formation of the district. The metropolitan district is the ground that the sewer plant sits on. Chuck stated this was possibly due to Exxon paying for the plant when it was constructed and didn't see any particular reason to have a district that incorporated a residential section of Battlement Mesa and other areas. This gave Exxon ultimate control.

Extension - Budget Rollover

Discussion regarding the Extension budget rollover was discussed.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve the budget entry rollover from 1995 to 1996. Carried.

Motor Pool Usage

Chuck mentioned he was planning to submit a summary motor pool user by department for the Commissioners to review. Direction was given to Chuck to provide this as it would be helpful in determining heavy individual and departmental use.

Hubbell Property

Correspondence received by Mr. Hubbell on the Fairgrounds property was discussed. The questions of an easement was resolved and determined he did not have one. When the fence goes up it will reveal the true property line. Chuck was directed to advise Mr. Hubbell, no thanks.

Sheriff's Department - VISA Limit

Chuck reported he had a request from the Sheriff's department. Tom requested to raise his VISA limit to \$2000. Chuck stated he didn't have a problem with it and that it was mostly used to make hotel reservations for training sessions.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve the limit on the Sheriff's VISA card. Carried.

Bid Award - Weed and Pest Manager

Mike McBreen reported only one bid was received. It was from the Gallagher Agricultural Service. It was discussed as well as the bid amount from last year. Mike made a recommendation since this was the only bidder that the award go to Roger Angus with Gallagher. Chuck stated he could pull the vendor file and make some comparisons.

Discussion was held regarding the cost of \$1.00 per acre for the County truck. Commissioner Arbaney wanted that to be taken out. Mike suggested a formula be used.

Chuck referenced the previous bid from 1995 regarding chemicals. Commissioner Arbaney suggested this be postponed until a determination was reached concerning the amount of last year's bid and to also wait and talk to Dave Gallagher.

City of Rifle

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a letter of support for the City of Rifle to obtain a grant to cover the cost of getting a sewage line extension out in the airport area. Carried.

MARCH 12, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,

GARFIELD COUNTY, COLORADO

The continued meeting of the Board of County Commissioners began at 9:00 A.M. on Tuesday, March 12, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator - Chuck Deschenes, County Attorney Don DeFord, Building and Planning Mark Bean and Eric McCafferty and County Clerk and Recorder - Mildred Alsdorf.

ORDER

Chairman Smith called the meeting to order at 9:01 A.M

PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 1.5 MILES NORTHWEST OF NEW CASTLE APPLICANT: BRANNAN PROPERTIES/FAYE FAAS

Mark Bean, Don DeFord, Faye Faas and John Schenck were present. Chairman Smith requested the property in question to be identified by address. Faye Faas identified it as off of County Road 245/241. Don determined that adequate notice was given and authorized the Commissioners to proceed.

Mark Bean presenting: This is a request for an exemption from the definition of subdivision for a tract of land located approximately one and one-half (1.5) miles northwest of New Castle off of CR 245 and CR 241. The site is a 104 acre parcel which the applicant intends to subdivide, by exemption, four (4) lots of approximately 8.50, 25.58, 35.3 and 35.09 acres each.

Previous owners of the property have petitioned for exemptions in 1978 and 1982. The 1978 exemption was approved by Resolution 78-8 to split off an eleven (11) acre tract of land that is now the KOA campground. The 1982 exemption created a separate 2.825 acre parcel on the west side of CR 245, using the county road split criteria.

Recommendations:

Staff recommends APPROVAL of the application, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities. Additionally, the plat shows a sixty (60) foot wide right-of-way for County Road 241 and that the right-of-way be dedicated to the County.

That the applicant shall have 120 days to present a plat to the Commissioner for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.

That the applicant shall submit \$200.00 per lot, in School Impact Fees for the creation of all exemption parcels.

That the following plat notes be included:

"The

minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade." "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."

"Portions of this property lie

within the designated Floodplain of Elk Creek. If any development is proposed for the area within the designated Floodplain, it will be subject to applicable County, State and Federal review and permitting."

"Soils information for this area indicate that there are moderate to severe constraints for individual sewage disposal systems due to large stones and steep slopes, which may result in the need for an engineered ISDS."

The applicant drill a well meeting the following criteria for demonstrating the quality, quantity and dependability of a well or a shared well system, prior to any plat being signed. (1) A well be drilled and a 4 hour pump test shall be performed; (2) The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;

(3) The results of the 4 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;

(4) A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department; (5) An assumption of an average of no less that 3.5 people per dwelling unit, using 100 gallons of water per person, per day;

(6) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

APRIL 1, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 1, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present was: County Administrator, Chuck Deschenes and County Clerk and Recorder, Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes presented his report to the Board. Journal entries were presented for review and deletions from capital outlay - fifteen (15) - 13.4 meg disk and one (1) Wang Disk Drive.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to sign the capital outlay sheets from the computer department for the various outmoded equipment. Carried.

On April 4th in Denver is a GoCo meeting as an update of the Railroad Corridor. The County has been invited to make a presentation, however, the meeting time has not been specified. Tom Nonan has been hired to coordinate and felt it would be beneficial if one of the Commissioners could attend. Commissioner Arbaney mentioned there will be several walk-throughs on the entire line with GoCo and the State Parks possibly this month or next. This will probably be done in a period of 4-5 days.

Extension Office

Chuck mentioned he was moving ahead on opening the wall and getting Carol on board. A report was given by Chairman Smith that a total of \$16,000 had been taken in on Saturday at the 4-H fundraising.

Chuck reported Milan Rewerts was scheduled to come in before the others regarding the Extension's meeting. This is to have time to present to the Commissioners his thoughts about the State level participation. Chuck reviewed the survey and how the policy was formulated regarding cuts to the budget. This clearly justified the budget cut due to the sales tax initiative not passing in the election process. Milan stated he understood it was not a statistical survey rather a random sample. Milan also suggested getting CSU to assist in providing a statistical survey. Chuck informed Milan the Sales Tax Committee was working on a proposal to present to the Commissioners regarding a sales tax issue on the ballot. Chuck mentioned the next meeting with the Extension Office is scheduled for May 9, 1996.

Chairman Smith announced June 28, 1996 is the Rural Resort Restructuring meeting for the Commissioners and it is scheduled for all day.

Chuck reported that Mary Meisner lost the Aspen Foundation grant, therefore they did not hire the additional person and budgets will be reduced to accommodate this funding loss. The revenues and expenditures will be handled within her budget and will be somewhat lower than projections.

Chuck presented the Certification of Local Approval for Nonprofit Organizations for the Advocate Safehouse who is going for a grant. This requires the signature of the Chair. Chuck stated he drafted a letter which states the Commissioner approve of their project.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign the Certification of Local Approval for the Nonprofit Organizations for the Advocate Safehouse. Carried.

Chuck reported he has spoken to Lee Moss regarding the work on the grand stand. He stated there was enough in the conservation trust to do this. The bidding process may be done in two sessions - the inside and the outside. Chuck would prefer to bid in all at once versus the two processes.

Planning Commission Interview - Rollis Gardner

Chuck Deschenes and Rollis Gardner were present. An interview with Mr. Gardner was held. *Raleigh Gardner* - His presentation indicated that he believed this to be a beautiful area and development was coming in, therefore, planning ahead was essential. With fiber optics moving into the area, individuals can live in Glenwood and operate businesses, say in Albuquerque. Mr. Gardner is hoping to attract those individuals with a vested interest. The development would require a minimum of acreage. Each area would be different. As an example, Silt Mesa compared to West Glenwood. He favored this should be done on an individual basis, case by case. If water and roads capability are present, then that should be the Commissioner's decision as well as Planning and Zoning. The fact that five acres would be required might include a need to assure availability of water, consideration of adjoining property, and whether or not there was a scattering of property. These people are buying scenery.

Commissioner Mackley - we are looking at three applicants and for representation from the West end area. Battlement Mesa is a growing area even more so than the area toward Basalt. Raleigh was questioned if he had time to serve and represent that area.

Commissioner Arbaney expressed the summertime was not as busy as the winter. One meeting per month is scheduled but at times twice a month.

Commissioner Mackley stated some "site reviews" were also necessary. He stated this is a part of the Planning Commission duties. These can be done individually versus within a group. Mileage benefits are paid for site reviews.

Rollis expressed a "local" interest on the part of permanent residents as his interest, concerns, and motivations. He expressed he was willing to make this commitment.

Commissioner Mackley stated the regular meetings of the Planning Commission are the 2nd Wednesday of the month and expressed to Rollis to meet and direct any questions to Mark Bean.

Chairman Smith announced Michele Foster and Clarence Mullen are also being interviewed for this Planning Commission. After all the interviews, Raleigh would be notified of their selection.

Continued - County Administrator

Discussion regarding the agenda today and time frames for the meeting. A decision was made to have a working lunch at 1:00 P.M. during the Road and Bridge report. The Commissioner stated if the Public Hearing on the Order to Show Cause set for 11:00 A.M. was not over by 1:00 P.M. it will resume at 5:00 P.M. and then continue into Tuesday, April 2, 1996 at 9:00 A.M.

Change in Agenda

The meeting with the Concerned Citizens for Sales Tax is scheduled for Thursday P.M. April 4, 1996 and not today at 6:00 P.M.

Vehicle Titles

Commissioner Arbaney made a motion for the Chair to be authorized to sign three titles, one on a F.W.D. truck that was sold from Road and Bridge, a 1990 Chevrolet 4-door and 1986 Plymouth that went to a salvage company. The motion was seconded by Commissioner Mackley. Motion carried.

JAIL DISCUSSION

Sheriff Dalessandri, Dale Hancock, Don DeFord, and Jail Advisory Board Al Maggard, URS Consultants Bob Johnson and Tom Riley were present.

Jail Count

Total count 97; 39 main jail; 2 other jails; 36 work release; 12 females; 6 home detention; no day reporting; 1 State Hospital; no DOC.

The 12 females exceeds by 1 the capacity of females. Don stated the County has 24 hours to provide notice and 36 hours to reconcile. Tom reported the jail now has bedding for 16 women. The 6 in home detention

is a good report. These came out of District Court versus County Court. 12 of the inmates came from the city.

11 in the female population is the maximum permitted and at 11 Don stated you cannot comply with any classification requirements. Notification is required on those issues. Discussion was held not having women held in the old portion of the jail. Tom stated the Court order is that and then he has to make reality from what he has, therefore, some of the cells are double bunked. As many as 16 have been housed in emergency situations and this has happened in the last several months. This gives the Sheriff several hours to re-locate to other jail or facilities. Women are harder to place than men.

Dale - received a letter from Bob Johnson on the completion of the final schematic design process, in regards to where we are in the process compared to where we ought to go, and some consideration of fees on their part since they brought the county a bigger program than the RFP originally called for.

Bob Johnson - letter dated March 18, 1996 that has a number of points related to proceeding with design work and some discussion during the first or second week of March that indicated the County wanted to proceed but not in a full blown way. It indicated to try to keep the project on schedule but something less than full blown. This letter specifically addressed those concerns and how to procedures due to the addition of work release. Budget is still at \$7.3 million. He also said, now we have a house with five rooms instead of a house with four rooms. The building is larger and most of that is due to the fact that when the job was first programmed work release was excluded. Some notions were to put this program in the existing jail building. When given the budget, \$7.3 million was the figure and 48,000 sq. footage. Now we are putting work release into the new facility making the sq. footage to 52,000. This is 25% larger. The architect cost was based on sq. footage not on the cost of the building.

Tom Reilly - clarified the additional cost of engineering, electrical, etc. for the five room building versus the original four. The building is now, as it stands in these drawings with the notion of eliminating the light well and taking some of that space for the jail, is almost 25% larger than when his Firm responded originally. Timing is important to bring this to the attention of the Commissioners, therefore, this letter being discussed is for that purpose. It outlines the cost to expand the facility and at the same time to clarify the cost to make these changes.

Bob - They need 40% of the fee to go forward.

Dale - comments that the original project is smaller than the present, and an assessment is needed as to the increase amount and can determine the sq. footage at 52,500 or 48,000. This depends upon the Commissioners. Basically, George feels all this additional space requirements can be put into 48,000 versus the 52,500 sq. footage.

Commissioner Arbaney stated he felt that Dale and Sheriff Tom have the say so. If Tom is comfortable with 48,000 then fine, if not, then the Commissioners had better listen.

Dale - requested the Chair be authorized to pay the amount for services and to sign the contract.

Bob - stated the building is a little over 52,000 ft. Whether or not the design as presented can be done in 48,000 is an election on where to you want to cut sq. footage. The only portion of the plan that is highly variable in the building without cutting either bed space or administration space or kitchen space is the day-room or within work release. 1,000 feet would need to be taken out of each of these rooms.

Sheriff - The day rooms have already been pulled in and his concern is that if you cut them anymore, you will be creating geometrical problems that will ultimately impair visibility. If there is any place to lose sq. footage, it would be the 3rd floor on work release. That would be his first choice to cut sq. footage. The cell area and security area should not be cut in sq. footage.

Chairman Smith - the interior is the only place where sq. footage is being rearranged. The exterior remains the same.

Commissioner Arbaney - the larger facility versus the smaller facility should be considered.

Chairman Smith agreed.

Bob stated he felt this discussion needed to be on record if nothing else.

Commissioner Arbaney - the schematic design which includes 52,000 sq. footage has been approved by the public, therefore, he suggested it was agreed and should leave it alone.

Chairman Smith agreed.

Dale - staff needs specific direction in terms of professional contracts at both the architectural level and the construction management level. The Board had some concerns that the schematic design went from \$57,000 in the original proposal to an amended \$69,000 because of the change in the sq. feet. There is a proposal submitted also on the part of Reilly/Johnson. And then for the limited design development on

which the County is about to embark, there is a proposal for \$33,000 more so the 69,000 plus 43,000 is what the Board is looking at for compensation to date.

Bob - the programming fee for \$18,000 was proposed however, based on Commissioners request this figure was reduced to \$9,000. Even though the building is now 25% larger Reilly/Johnson has not asked for 25% more funds. Justification was given for the additional fee. The budget is still at 7.3 million - bottom line.

Bob - obviously something had to give. Professional cost has risen based on the "bigger house." What Reilly/Johnson did to compensate was to shrink the Contingency to hold the 7.3 million. So the last contingency in the last cost model was about 3.86% - it is very tight at this and they have no knowledge of any rising costs in a larger project by URS.

Dale stated 7.5 of URS contingency. URS can be knocked down in "general conditions". Action needing to be taken today is, per Dale, two fold: a signed contract and authorization to pay \$24,870 for Design Development. Dale stated - \$103,000 for Reilly/Johnson and \$24,870 which is the parallel path of design for URS.

Don DeFord - stated, are you looking today for an amendment to original contract or authorization to execute a contract for a specific amount or what?

Dale added theirs is a specific amount. URS has done theirs through change orders which have been contracted. So this is what Dale is asking - \$24,870 for Design Development.

Commissioner Arbaney so moved. Seconded by Commissioner Mackley. Carried.

Don - In regard to Reilly/Johnson, what are you looking for from the Board?

Dale stated he needed \$103,000 to get them paid up to date for all schematic design and the \$33,000 in limited design development.

Don - so are you looking for a total authorization for payment of \$136,000?

Dale - no.

Don - that is why I want to make sure the record is clear as to what you are asking for.

Dale - I have only paid \$22,800 thus far, so \$34,200 is still owed for the original schematic, still owing; and then the proposed additional \$12,000 since the 5th room was added to the house, using their analogy.

Don - So if we have a contract this constitutes the nature of a change order for scope of services. Dale - Then the final piece of that is the \$33,000 for the design development which is a limited. Do you want to articulate specifically what those steps then of Limited Design amount to, Bob?

Bob referred to the letter submitted which shows they are trying to get into a posture where the County finally says "lets go full speed ahead." What will be most helpful in this regard is to either take the one building and make modifications naturally, but this needs to be moved to the computer so that these can be given to all the consultants, so when the go ahead is given, everyone will be prepared. Revisions will be made to space plan for all the floor levels, and more detailed planning of the kitchen and the laundry, and more detailed planning of the exterior of the building. Materials, colors, some of the roofing, etc. will be discussed. This is a limited set of design development documents from what is traditionally defined in the design development phase. This will allow them to go fast when the Commissioners give the word. Two weeks has been lost out of the schedule thus far. According to the letter dated March 18, indications were made to the Commissioners, if word was given on March 19th to go ahead, they could have remained on schedule.

Don - so Dale you articulated then the additional payments and I think now described the services to be provided, what we are looking for is both an authorization by the Board to pay the amounts requested by Dale for services requested by Dale and coincident with that authorize the chair to execute a contract with Reilly/Johnson which includes both the services and payments just represented.

Commissioner Arbaney - this additional number of dollars, have you put a figure...

Dale - looks to me like \$79,200.

Commissioner Arbaney - that's over and above the \$24,870?

Dale - no that just for the these guys. You add \$24,870 to it.

Commissioner Arbaney made a motion as Don had stated. Seconded by Commissioner Mackley. Carried.

Commissioner Arbaney - stated he did not feel the loss of two weeks was that big of a thing.

Chairman Smith questioned, last time only the Chair signed. This time she felt all three should sign the contract.

Reilly/Johnson asked specifically if they were directed to begin directly or only once the contract was signed?

Don felt this was a good question and asked the Board their pleasure.

Commissioners directed the architects to begin officially. The previous motion included direction to proceed.

Don - Mr. Dubosky requested payment of the latest submittal for attorney's fees pursuant to Section 1983 in exceed for \$2,000. *Don* requested authorization to pay.

Commissioner Arbaney made a motion to pay Dubosky \$2,814.50.21. Seconded by Commissioner Mackley; carried.

Executive Session - Litigation Issues - Consent Decree and Relay Station

Don requested the Sheriff, Dale, Charlie Willman and Kurt Stieglemier to stay in the meeting.

A motion was made to go into Executive Session by Commissioner Mackley and seconded by Commissioner Arbaney. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session. Carried.

EMPLOYEE OF THE MONTH

Gail Schoppner was awarded employee of the month for April 1996.

COMMUNICATIONS CENTER - ENERGY IMPACT GRANT APPLICATION

Jim Stevens presented the Board with information regarding a grant which needed the Commissioners signatures on a grant application for an Energy Impact Grant for \$253,500. Regarding the \$408,000 of in-kind contributions on page 3, Jim reported the donation from Conoco would increase changes of obtaining the funds.

The Commissioners reviewed the Energy Impact Grant Application submitted by Jim suggesting some additions/corrections.

A motion was made by Commissioner Mackley for the Chair to be authorized to sign the application grant for Communication Department. Commissioner Arbaney seconded the motion. Carried.

DEPARTMENT HEADS

Dale Hancock presented a Contract Amendment for signature of the Chair, by and between the State of Colorado for the use and benefit of the Department of Public Health and Environment for the Division of Emergency Services ("EMS Division") to administer the local emergency medical services program created by Title 25. Dale reported this directly related to the grant application signed in February of this year which provided full coverage with Claggett, Valley View, up and down Interstate 70 for \$77,297 with matching funds totaling \$5,000 being covered by Valley View Hospital, Claggett, City of Glenwood Springs, and County.

A motion was so moved by Commissioner Arbaney and seconded by Commissioner Mackley. Carried.

Renewal Liquor License - Westbank Ranch Golf Club

Mildred Alsdorf presented the renewal application for Westbank Ranch Golf Club.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign the renewal for Westbank Ranch Golf Country Club. Carried.

Amended Personnel Policies and Procedures

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to Authorize the Chair to sign resolution amendment personnel policies and procedures. Mackley, Carried.

Extension Office - 4-H

Holly Tatnall and Carol McNeel were present. Holly reported they had hired a lady as part time staff in office and Carol was back. Holly inquired as to the update on moving the office. Chuck indicated there will be some construction, and suggested about 45 days was projected. As far as assistance in moving, useful public service and the work release unit with supervision will be available to help. Chuck stated he thought temporary storage was available in the basement, this would be non-secured storage.

Holly stated there were some equipment duplicates on asset transfers, such as overhead projectors. She asked for permission for Eagle County to borrow. Commissioners wanted to keep these here for their use. Holly was directed to make a list.

Carol was welcomed back. A total of \$19,000 was made on the fund-raiser. This will carry them through the year as they needed \$15,000. Now there is some in a capital reserve.

Carol reported the meeting with the Steering Committee was to be held at Silt Elementary at 7:00 A.M. on Tuesday, April 9.

Carol also announced April 16 as a joint board committee meeting where Carol is hopeful of obtaining clarification on her role expectation. This will be held at 4H at 7:00 P.M.

BUILDING AND PLANNING

PUBLIC MEETING - AMENDED PLAT - MITCHELL CREEK - PLANNED UNIT DEVELOPMENT LOT 12 APPLICANT: JOHN AND NANCY BROOKS

Mark Bean reporting, stated the proposed house they wanted to put on the lot did not fit on the lot within the building envelope. There is no controversy and Mark could advise them to go ahead on the amended plat. No motion was needed, it will be at the time of plat.

PUBLIC MEETING - AMENDED PLAT ANTLERS ORCHARD DEVELOPMENT APPLICANT: J. GENTRY

Mark Bean reporting:

Mark explained Mr. Gentry owns a lot of Antlers Orchard lots and is proposing to develop a lot configuration. There are all typically rectangular lots and what he is attempting to do is to develop a lot configuration more consistent with the topography as there are a lot of drainage going through it. He is creating these lots into more buildable lots, not increasing or decreasing the number of lots, but just moving the lines around. Mark was requesting to go ahead and proceed forward allowing them to present an amended plat to the Commissioners and looking at the amended plat with the proposed lots.

Commissioner Mackley so moved. Commissioner Arbaney seconded. Carried.

Resolution - Denial of an Exemption For Thomas Odgers and Samuel Potter

Mark presented a Resolution for denial of an Exemption for Thomas Odgers. Commissioner Mackley voiced a conflict with this.

A motion was made by Commissioner Arbaney and Chairman Smith stepped down as Chairman to second the motion to deny an exemption from the Garfield County Subdivision Regulations for Thomas Odgers and Samuel Potter. Carried.

PUBLIC HEARING ON ORDER TO SHOW CAUSE WHY LIQUOR LICENSE FOR CALA DE VIDA, INC. DBA RELAY STATION SHOULD NOT BE REVOKED OR SUSPENDED FOR LIQUOR LICENSE VIOLATIONS

LIQUOR BOARD - RELAY STATION

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to go into the Liquor Licensing Board. Carried.

Special Attorney for the Commissioners Charlie Willman, Assistant County Attorney Kurt Stiegler, Attorney for the Defense Tom Blumenthal, John Burke and Mark McDonald were present.

Entry of Appearances

Thomas Blumenthal - 150 East Tenth Avenue, Denver, Colorado 80203 appearing for Cala de Vida, Inc. and the licensees Mark McDonald and John Burke.

Procedural Issues

Charlie Willman reviewed the due process requirements and methods for which the Commissioners needed to proceed according to the liquor code. Charlie also noted at 11:05 A.M. there was no attorney present to represent the licensee, although the licensee was present.

Charlie stated he had the original liquor file and had the Commissioners review the file. A letter dated September 18, 1995 from Mark McDonald and John Burke requesting a temporary license, the temporary license issued on September 20, 1995, a liquor licensing processing document, the application for the license, the letter to the County dated September 18, 1995 from Mr. McDonald and Mr. Burke regarding funds that are used in the purchase (referring to Item No. 31 on the application), the Corporate application information and Corporate report of changes form, a copy of two checks for license fees, individual history for Mr. Burke, individual history for Mr. McDonald, request for records with respect to Mr. Burke, request for records with respect to Mr. McDonald, (some are groups and are paperclipped together, therefore they are not single documents), fax transmission from Mildred Alsdorf, the Clerk and Recorder, to the Valley Journal and other items with respect to publication of the hearing on the transfer, diagram submitted as part of the application, United States Department of Justice report on Mr. Burke, a commercial lease between Mr. Philip Henke as landlord and Cala De Vida the Colorado Corporation, dba The Relay Station, Colorado Business registration form, a group of documents starting with a cover letter from Mr. Richard Cummins dated September 20, 1995 to Secretary of State with respect to Articles of Incorporation and other documents concerning the corporation of the business, the copy of the State of Colorado Dept. of Revenue Alcohol Beverage License, the County of Garfield extended hours license, the County of Garfield retail liquor license, another request for records review with respect to Mr. Burke to the Garfield County Sheriff by Mildred Alsdorf, a multi-page print out from the Garfield County Sheriff's office on Mr. Burke, the Notice of Summary Suspension in the upper right hand corner "ORIG;" a Notice of Hearing and Order to Show Cause Why Liquor License Should Not Be Revoked or Suspended; Notice of Hearing on Change, Alteration, Modification of License Premises; Statement of Richard J. Greene 3 pages in length; Affidavit of Richard Greene; Fax Transmission to Mark McDonald and a note to Mildred dated March 27, 1996 (faxed to Mildred and Cheryl Kisow); Affidavit of Mildred Alsdorf; Affidavit of Cheryl Kisow; Minutes of October 16, 1995 meeting of this Board approving the transfer of the liquor license; a letter dated March 19, 1996 signed by Mildred Alsdorf (looks more like a file memo - 6 paragraphs); copy of Affidavit of Cheryl Kisow; another statement of Mr. Greene with Affidavit attached; copy of the Notice of Summary Suspension with various receipts showing these were sent by Certified Mail and all three of the notices referred to earlier by Charlie and a blank subpoena signed by Mildred and Marian Smith as Chairman of the Board for purposes of this hearing - no name filled out. In addition, Charlie inserted into the file on today's date a letter from Mr. Blumenthal to Charlie Willman dated March 29, 1996 actually the letter is to Mr. Steigleimer sent by facsimile, the purpose being submitted into the file is because it contains the indication by the licensee that they were willing to waive damages also to indicate they were going to call the County Commissioners which gave rise to the hearing held on Saturday, March 30, 1996; a copy of the Special Meeting Notice for the Commissioners on March 30, 1996; and the Procedural Agenda Outline for today's hearing.

To date this is the official file of the County. Also, the minutes and transcript of the October 19, 1995 hearing date in which the transfer of license occurred, not only the minutes but the actual transcript. The transcript of March 18, 1996 meeting in so far as it applies to the issuance of the notices and suspension; March 19, 1996 transcript and minutes in so far as they apply to the request of the applicant of continuance made by Mr. Cummins; the transcript and minutes of the March 30, 1996 meeting held on Saturday. In addition, added to the file should be a two-page letter from Mr. Cummins dated March 13, 1996 stating this was a review of the meeting held according to March 12, 1996, the request to change or modify filed by the applicant on March 15, 1996; a fax and cover letter dated March 19, 1995 to Mildred Alsdorf confirming the request of the hearing set for today's date be continued until April 15, 1996 signed by Mr. Cummins; a fax transmission sheet dated March 19, 1996 and a note to Mr. Cummins from Mildred Alsdorf the same date indicating the Board had denied the continuance; a memorandum to Mildred Alsdorf and Mr. Steigleimer dated March 19, 1996 from Richard Cummins memorializing the steps taken by the

Commissioner with respect to the motion made for continuance; and a list of witnesses and exhibits dated March 21, 1996 sent to Mr. Cummins sent by Kurt Steiglemer.

Charlie - recommended to the Commissioners to take judicial notice and he's doing this up front...

Tom - confirming the contents of the County's file on the liquor license, Mr. Stieglemier had shared with Tom that Mr. Greene's allegations were not credible and would therefore not be using them. Tom acknowledged that he understood they should be a part of the record and in the file, but requested they be sealed. Mr. Burke is in the process of litigation against Mr. Greene in the Pitkin County Court.

Kurt clarified that he never determined if Mr. Greene was credible or not, but has decided that Mr. Greene's statements would not be proceeded on. A motion to seal is warranted and should be granted.

Charlie clarified, the Commissioners should not consider the portion of paragraph No. 8 starting at line 8, the words "withholding" and everything else should be stricken and to move to strike the affidavit and not to consider any statements (one written and one affidavit).

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to grant the motion to seal and agree not to consider any portion of this information, as stated above by Mr. Willman, whether it is in your brain or not in part of the determination in this matter. Carried.

Charlie clarified the portion of the hearing which he referred to as "due process" which means the County has brought forth the allegations and must go first in presenting evidence through witnesses and exhibits which is subject to cross-examination by the licensee through their attorney. At the conclusion, the licensee will have the opportunity to present evidence through witnesses and exhibits which are subject to cross-examination by the County's attorney represented by Mr. Stieglemier. There is no opportunity for public comment in this procedure. This is called a quasi-judicial proceeding because the licensee has the opportunity to confront the evidence presented against it and it would be impossible to do in the nature of public comment.

Tom - interjected that this hearing is projected to go into tomorrow, April 2, 1996 and he as well as the principals of Cala DeVida and Mr. Cummins are interested in talking and hearing from whomever would like to come to them directly about their feelings and comments.

A motion was suggested to be made by Charlie Willman to take judicial notice of the file....

Kurt Stieglemier added he had a couple of things to add to the file - the return of service for subpoena on David Brown, Mary Lemmel, Bruce Maes, a waiver of service for Ruth Klock, waiver of service for Bill Knapp, waiver of service for Cheryl Kisow - copies of originals.

Tom - like the record to reflect that the subpoenas of Cheryl Kisow, Mary Lemmel, Bruce Maes, David Brown, Ruth Klock, and Bill Knapp - at the bottom where attestation is affixed by Mildred Alsdorf, there is a blank day of March and for the record each one of these subpoena the blank has been left blank and not filled in, not in fact an indication of when these subpoenas were served. Asked that these subpoenas be preserved this way for the record.

Kurt - added for the file, the Sheriff's return of service for service of the four notices Mr. Willman mentioned.

Tom - added a true and correct photocopy of the lawsuit filed in the U. S. District Court for Colorado filed on March 21, 1996 captioned "Cala DeVida Inc. dba Relay Station versus The Garfield County Colorado - Marian Smith personally, Bucky Arbaney, and Arnold Mackley, and John Does 1 - 8. For the record, Mr. Arbaney and Mr. Mackley are present as Commissioners, as is Marian Smith.

Charlie - again added that the Commissioners should take judicial notice of the contents of the file.

Exhibits

Kurt offered Exhibits 1 - 13 for the record. Exhibits 3, and 11 will not be offered.

Sequestration of Witnesses

Discussion was held regarding witnesses. Mildred Alsdorf was not objected to staying in the room as she is serving a functionary role. Other principals would be excluded.

A motion was made by Commissioner Arbaney to sequester all witnesses as they are informed and become aware of this motion, principals excluded; Mildred Alsdorf has a limited sequestration. Commissioner Arbaney seconded the motion. Discussion. Vote - Mackley - aye; Smith - Aye; Arbaney - Aye.

The witnesses were informed as to exactly what this sequestration meant and were instructed not to read the newspapers, watch any news reports, discuss this hearing with anyone other than the two attorney's - Stiegelmier and Blumenthal.

Procedural Issues - Continued

Discussion regarding the records being sealed regarding John Burke and a juvenile record from the Iowa Courts. It was agreed that this was a part of the official record however Mr. Blumenthal requested a motion to be made to seal this record and not have it open to the public.

Mr. Blumenthal made a motion to have the three County Commissioners step down as the Liquor Hearing Board due to he expressed this would be an issue of conflict and biases.

Chairman Smith stated she was not biased; Commissioner Arbaney says he was elected to do this job; Mackley stated he can also separate issues and remain unbiased.

Commissioner Mackley moved to deny the motion. Commissioner Arbaney seconded. Carried.

Tom Blumenthal moved that the summary suspension be reconsidered and remarked that he felt when the original summary suspension was entered it was due to the inflammatory and libelous and outrageous remarks of Mr. Green. Since these remarks have been now given the weight they should have been given originally, he expressed the Board should re-consider, lift the summary suspension, investigate, and consider the initial allegations.

Kurt Stiegelmier expressed even with Mr. Green's material stricken there is still definitely reasonable grounds to believe that there has been a willful and deliberate violation and that the public health, safety and welfare require emergency action. He therefore moved the Board keep the summary suspension in effect until final adjudication of the motion and order to show cause.

All three Commissioner agreed.

A motion was made by Commissioner Arbaney to not lift the summary suspension. Commissioner Mackley seconded the motion. Mackley - Aye; Arbaney - Aye; Smith - Aye.

A motion was made by Commissioner Arbaney to admit the document regarding Mr. Burke's juvenile record to the file as of this date, this hour, and was a part of the record prior to this hearing and that it be admitted as an exhibit by Kurt Stiegelmeier, which is a part of the original liquor license file. Discussion. Motion died for lack of a second.

The record reflects that this juvenile record in question is marked as Exhibit No. 14.

Don DeFord clarified - "My understanding of the open's records act is that you are required in fact to deny access of a record if that disclosure is prohibited by State Statute, you are also entitled in a discretionary way to deny access to a document that results from any police investigation or action taken by a law enforcement agency. I think the document as described during the course of the hearing fits either one of those categories and I think the Board even though it may currently be on file would be required to deny access of the juvenile file, any type of a juvenile record, to the public, the only caveat after that is should your denial be challenged and the court subsequently ordered disclosure of that record, then of course, you would have to produce it, but I think in the first instance you are obligated to deny access to it."

Charlie - there are two things that are before you as you sit here. One is you may need to come out of the Liquor Board and do this right before 1:00 P.M. and act as a Board of County Commissioners. The other issue I would recommend is that you make this decision as to whether or not you're going to consider this part of the file for purposes of making your decision today. That's a separate question than what Don is talking about. But I think as a Liquor Licensing Board and making a decision in this case, I think you need one way or the other as to whether you're going to consider it. This is not to say which way you are going to rule, but whether or not you could consider that juvenile history or any part of it for purposes of making the decision in this case.

A motion was made by Commissioner Mackley that we do not use the juvenile portion of his record in this hearing. Commissioner Arbaney seconded the motion. Mackley - aye; Arbaney - Aye; Smith - Aye.

Charlie - the file contents, as he read earlier - I think it would be a good idea for you to take judicial notice of that file, just from a procedural standpoint, because you're likely to be looking at that file in any event.

Accept and Recognize Judicial File

Commissioner Arbaney made a motion to recognize what is in the judicial file as of today. Commissioner Mackley seconded the motion. Mackley - Aye; Arbaney - Aye; Smith - Aye.

Adjourn from Liquor Licensing Board into Board of County Commissioners

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of the Liquor Licensing Authority and convene as a Board of County Commissioners. Motion carried.

Recess - From Relay Station Hearing

A recess was taken between 12:55 P.M. and 5:10 P.M. - April 1, 1996.

Chairman Smith announced the Liquor Board would reconvene at 5:00 P.M. on April 1, 1996.

COUNTY ADMINISTRATOR

OEM Grant Award Letter

A contract with the State of Colorado, Department of Local Affairs, Office of Emergency Management indicating an increase and change in the original was presented. Chairman Smith reported this goes until the end of fiscal year 1996 was reviewed for \$2,850, the total amount awarded to date is \$5,700 and the amount requested is \$17,703.

A motion was made by Commissioner Arbaney to authorize the Chair to sign the State of Colorado, Office of Emergency Management Contract for Emergency Management Funding. Commissioner Mackley seconded the motion. Motion carried.

ROAD AND BRIDGE

King Lloyd and Mike McBreen were present. King presented his report to the Board.

Storage Tanks

Mike reported these tanks were not that old. They are for sale for \$500 each. The Commissioners agreed this was a good price.

Scales and building - it appears that at some point Dave Johnson, of Johnson Construction, had the impression that he was going to be able to purchase the building. King was hopeful if Dave was taking one building down, King felt Dave may be able to take the County's metal building down at a very reasonable price.

Scale

Meeting with Occidental on Wednesday, King reported they would sell us the building for \$30,000 but since we were government, they would sell it for \$15,000. This would be a swap work for work deal if Occidental made the materials available. King stated, based upon the swap work deal, he offered him \$10,000 for the building. Discussion.

Mike McBreen added, for the building to be torn down, concrete slab poured, and the building reconstructed, the figure of \$12,000 was discussed. Occidental has the equipment to haul the building, etc. Chairman Smith indicated to King that this was a great buy and to not negotiate down to the point where the County loses the deal. Commissioner Arbaney agreed.

King reported the \$3,700 for the scale tear-down and reinstallation with printer \$3,800 for the concrete work, setting the forms, doing all the metal stripping, metal edging, etc. The County would provide the transportation for the dismantle scale and do the excavation in the backfill pit and they would do the rest. This was a firm price from Western Slope Scales out of Grand Junction. The \$17,000 was the number King was able to come up with and Mike's price of \$12,000 was better. King stated his price didn't include any concrete.

King stated the \$10,000 was a possibility, but they may not take less than \$15,500 with the tanks. King explained that this was for the landfill and the County was trying to run this as an enterprise.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to extend the award period until discussion is held with the County Attorney. Motion carried.

Culvert Bid

Mike McBreen stated he had received 4 bids for the culvert. Bidders are:

Wheeling Corrugating Co.....\$6,217.00

Big "R" Mfg. & Distributing..... 5,812.84

Contech Construction Products Inc. 5,421.82

Dodson Engineering Products..... 5,589.80

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to award the culvert pipe contract to Contech Construction Products, Inc. for \$5,421.82. Motion carried.

Mower

King reported the mower assembly has been ordered and the same man has been hired to run the Rifle mower as last year.

County Right-of-Way - Hagar Lane

King stated he received a plat from Schmueser Gordon Meyer about a development happening within the City of Glenwood Springs on Hagar Lane. A condition that was put on the developers prior to approval by the City was that they build a rock berm upon the edge of Midland/Four Mile Road that will be within the County's right of way and it will be 6 foot high. Greg Rippy and Kent Jolley are the developers. Discussion concerning the City annexing the property since the entire berm will be within the County's right of way. King stated the problem he foresees consists of the snowmelt, the pond, and the berm required the City to consider putting piping in, go under the berm and dump into the Roaring Fork River. The water would go through this development. Commissioner Arbaney stated the clean water act would not allow a similar construction on the Midland Access. King reported the approval process is contingent upon the County's permission to use their right of way and has been placed as a condition of approval by the City of Glenwood Springs. The concern King had was the way the letter read from Schmuesser indicated the approval process rested upon the approval of the the County to allow this to be done on the County right-of-way. Don informed the Commissioners the best way to handle this is to submit to the County a written permit request and give the County engineering plans of how they intend to handle the construction. King's concern was the ultimate responsibility of the County to maintain the road. Therefore, the County said "no."

Projects with Snyder

King reported there were two projects going with Snyder at the present. They are paying for the transportation and the gravel for a little over one mile to gravel the Hunter Mesa Road, the access off of Mamm Creek. The County will put in the culverts, prep the road and spread the gravel and compact it. The other project is on the Schaffer Road. They have purchased the culverts and the backfill material. The County will put these in. Vessels is going to work with the County. They will purchase the magnesium chloride to do application on Chipperfield Lane. The County will prep the road as long as they are buying the chemicals. The final touches on the landfill should be completed today and then put more trucks upon Spring/Wallace Creek.

U.S. West

U.S. West should be showing up next week to hydro-seed the phone upgrade through the Rulison area last year all the way through on County road 220. Commissioner Mackley expressed concerns about the cosmetics being peeled off the area.

Inmates - Useful Public Service

Mike McBreen requested an update regarding using inmates from the Sheriff under the useful public service program. Commissioner Arbaney stated it would be a similar program to the one where inmates were used to do crack patching on the Four Mile Road.

Commissioner Mackley suggested the inmate program could possible do some of the repairs due to erosion over the past two years, doing bedding, etc.

Baxter Pass

King reported he has received several complaints regarding Baxter Pass and plans to get the crew blading in that area for about one week.

Vandalized Motor Graders - Rifle

Commissioner Mackley stated he had heard a couple of motor graders had been vandalized. King reported the report was true, windows were broken out, stole batteries and power converters and also vandalized the compressor station. The Sheriff department was called, however there was no investigation, nevertheless a report has been filed.

Glenwood - Blading

Blading has been begun on Four Mile Road.

CONTINUED PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION, LOCATED APPROXIMATELY 7 MILES SOUTH OF GLENWOOD SPRINGS APPLICANT: KURT GRONAU

Building and Planning Mark Bean, County Attorney Don DeFord, Kurt Gronau and Michael Blair were present.

This is a continued public meeting regarding an exemption from the definition of subdivision on a tract of land located 7 miles south of Glenwood Springs, off of County Road 168, in the Four Mile area for an accessory dwelling, namely a mother-in-law dwelling. The Board continued the meeting, to allow the applicant to identify the location of a building envelope and driveway access off of the access road and to have a 24 hour pump test done on the well that supplies the existing house and the proposed lot.

Mark submitted the original staff report and a copy of the letter identifying the mutual understanding of the applicant with the Oak Meadows HOA regarding the maintenance of the road and trash handling. In addition, a letter was submitted from Ron Samuelson regarding the 4 hour pump test. It showed a 1/2 inch drawdown in four hours which would indicate an excess of 20 gallons per minute on the applicant's pump. Mark indicated this test shows adequate water on the site. Also enclosed is a copy of a proposed building envelope approximately 200 feet deep adjacent to the access road through Lot No. 1 and two copies of the topographical map and the site map. These documents answer the concerns the Board expressed at the last meeting.

Mike Blair - the planner - stated, in addition to the required submittal of documents that Mark addressed, that Mr. Gronau agrees to submit a more formalized written agreement. This can be recorded as a plat note. He also stated he had met with representatives at Arganot Ranch and had discussions advising them that his partner, who will be conveyed the 20 acres back, intentions building a 1 1/2 story structure. The slope is approximately between 10 and 15 degrees above the road so it will be far less visible than the present structure. Also, the partner will not be able to share the Gronau's well because of the logistics and distance. Therefore, upon building, he would be digging his own well.

Mark stated, this presented a problem because the Board is required to ensure legal adequate source for water for both dwellings. Physically, Mark suggested, Mr. Gronau allow use of his well for approval proceedings with the exemption process and deal with the easements as proposed. Technically, this can be engineered to occur and then if and when the partner does go in and acquire the appropriate well permits that's fine, but they always come back to this one well if it doesn't work. Otherwise another well will need to be dug prior to this exemption being approved. Mark suggested a possibility of setting up storage for pumping in order to make the distance concern work.

Peter Stayton of Argonaut Farms requested some input into the process of allowing a "mother-in-law" apartments. Color was an important part of the subdivision exception. This is because eventually they plan to put a conservation easement around their tract. The Commissioners suggested the applicant meet with Argonaut Farms and address the concerns.

Commissioner Arbaney wanted to suggest the parties meet and draft an agreement.

Don suggested the Commissioners could impose a single condition of approval. The Board would require prior to the exemption plat be filed that there be documentation with conditions existing between the Oak Meadows Homeowners Association and Mr. Gronau. Also, that the contract be executed that incorporates the terms of this letter as a binding agreement.

Mark - Answered some of the concerns by stating an accessory dwelling is limited to 1500 sq. ft. and 25 feet in height; and there are no restrictions on color within the County so that would be difficult.

Chairman Smith indicated that part of this application would be a stipulation that there be no more subdividing.

Mark stated the conditions: To include in No. 2 - the proposed building envelope for Lot 1 on the plat; add to the existing building envelope for an accessory dwelling unit on Lot 2 be build on the West and slightly North side of the current house; No. 3 which is condition No. 2 state that Lot 1 is only allowed one dwelling unit, that there be a plat note that both parcels are subject to an agreement with the Oak Meadows Homeowners Association regarding the maintenance of the private road accessing the property and trash removal; that there also be a condition No. 6 added that the copy of the formal binding contract be submitted prior to approval of any exemption plat approval that formalizes those agreements stated in the letter from Oak Meadows Homeowners Association. With this contract be included a deed restriction in terms of that agreement and that the County Road Impact Fee condition of approval, basically stating that when a fee is established, the Applicant would, upon building, be subject to that building permit fee.

Robert Chaffin, Attorney was in the audience and advising Peter Stayton.

Peter Stayton requested time be allowed to walk on the property and conceptualize the location of the potential accessory dwelling.

A motion was made at Commissioner Mackley and seconded by Commissioner Arbaney to continue SB 35 Exemption for Kurt Gronau until 11:45 A.M. on Monday, April 8, 1996, to allow them to submit a written agreement, along with the plat, between Peter Staton and Kurt Gronau depicting the exact location of the accessory dwelling on the present building envelope for the Commissioners to review prior to approval. Carried.

PUBLIC MEETING - FOR A SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 1/2 MILE NE OF SILT APPLICANT: NORMAN AND CHERYL CHANDLER

Building and Planning Mark Bean, County Attorney Don DeFord, Norman and Cheryl Chandler were present. Don determined adequate and proper notification had been made as stipulated by the regulations. The Exhibits were accepted.

Mark presented: This request is for an exemption from the definition of subdivision regarding a 105 acre tract of land located approximately one-half mile northeast of Silt off of County Road 215 on a mesa in an area of rural residential use, mixed in with agricultural area. The applicant is proposing to split this acreage into four parcels of 6.0, 12.5, 12.5, and 70.0 acres. Documentation submitted with the application shows that the tract in question was recorded in the records of the Clerk and Records Office. All of the exemption parcels are consistent with the required two acres minimum lot size for the zone district. The applicants have provided documentation regarding an access off of Grand Avenue in the Town of Silt for three of the lots and an easement through the Heavenly View subdivision for the other lot.

Jim Yale, Silt Administration/Treasurer appeared and stated an objection on behalf of the Silt Planning Commission. He stated this exemption was adding access onto county jurisdiction and was requesting a denial of any subdividing or development in this area until access issues have been mitigated.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to continue this meeting until 5:00 P.M. on the 8th of April. Motion carried.

PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 5 MILES SOUTH OF GLENWOOD SPRINGS OFF OF STATE HWY. 82 APPLICANT: ERNEST FYRWALD

Building and Planning Mark Bean, County Attorney Don DeFord, Ernest Frywald and Sherry Caloia were present. Don determined adequate notice was given.

Mark presented: This request is for an exemption from the definition of subdivision for a tract of land located approximately 5 miles south of Glenwood Springs off of SH 82. The applicant is proposing to split the 10.3 acre parcel into four (4) parcels of approximately 2.2, 2.1, 2.1, and 3.9.

Recommendations:

Staff recommends APPROVAL of the application, subject to the following conditions of approval:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A final exemption plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.

That the applicant shall submit proof that Fire Impact Fees for the creation of all new exemption parcels have been paid prior to the signing of a plat.

Prior to the signing of a plat, the applicant submit copies of signed leases with the railroad for all buildings on the railroad property.

That the following plat note be included: "Individual Sewage Disposal Systems can only be used for domestic wastes."

7. The applicant drill a new well meeting the following criteria for demonstrating the quality, quantity and dependability of a well or a shared well system, prior to any plat being signed:

1. A well be drilled and a 4 hour pump test shall be performed;
2. The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
3. The results of the 4 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
4. A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
5. An assumption of a maximum of 3000 gpd will be used on each lot, based on the maximum design flow of an ISDS on each lot.
6. If the well is to be shared, the provision for individual water storage tanks of no less than 1000 gallons for each proposed lot (required at time of building permit application);
7. The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

It will also be necessary to have a 20 foot square easement around the well and a ten (10) foot wide maintenance and repair easement for a waterline to each of the new lots from the well site easement.

8. The applicant shall receive an approved State Highway access permit for the lots created, prior to signing of an exemption plat.

William Mallory of 5451 County Road 154 expressed a concern that the new well is within 600 feet of his well.

This concern was addressed previously and the well location had been moved.

Sherry Colioa stated they had received a lease on Friday, therefore, it was determined that Recommendation No. 5 was no longer necessary and signed leases were submitted on April 1, 1996.

A motion was made by Commissioner Mackley to grant an exemption from the definition of subdivision for Ernest Frywald on a tract of land located approximately 5 miles south of Glenwood Springs off of SH 82 as described in the project information and staff comments including all major issues and concerns, finding and conditions of staff, eliminating Recommendation No. 5 making 7 conditions of approval. Motion was seconded by Arbaney; motion carried.

PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 3 MILES EAST OF CARBONDALE OFF OF STATE HWY. 82 APPLICANT: ARTHUR & ELKE JONELL

Building and Planning Eric McCafferty, County Attorney Don DeFord, Sherry Colioa, and Terry and Matt Harrington representing Arthur and Elke Jowell, were present. Don determined that appropriate notices were given.

Eric McCafferty presenting: This project is an exemption from the definition of subdivision involving a 9.09 acre tract of land located approximately four miles east of Carbondale along State Highway 82. The staff packet describes the proposal, major issues and concerns, and suggested findings.

The recommendations of staff include APPROVAL of the application, pursuant to the following conditions.

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.

That the applicant shall submit \$200.00 per lot (\$400.00 total), in School Impact Fees for the creation of all exemption parcels.

That the following plat notes be included:

"The minimum defensible space distance shall be 30 feet terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade." "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant." "Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site." "Portions of this property lie within the designated, 100 year floodplain of the Roaring Fork River. If any development is proposed for the area within the designated floodplain, it will be subject to applicable County, State and Federal review and permitting." "The grantors of the Rocky Mountain Natural Gas pipeline easement shall not build or construct nor permit to be built or constructed any building over or across the existing pipeline. This easement is 25 feet on either side of the pipeline, as built and in place." "The provisions of the existing easement for the Basin Ditch shall be respected at all times by current or future owners of any lot created by this exemption. No structure or pipes shall be put into or over the Basin ditch without prior approval of the Ditch owner(s)."

The control of noxious weeds shall be the responsibility of the landowner.

Final approval by the Colorado Department of Highways regarding the proposed access, either the new, proposed access or the amended, existing access.

All well permits for the additional lots created by this exemption shall be issued by the Division of Water Resources, prior to the authorization of an exemption plat.

The applicant shall pay the Carbondale & Rural Fire Protection District impact fees of \$235.00, per lot (\$470.00 total), prior to the authorization of an exemption plat.

All lots created by this exemption shall be no less than two (2.0) acres in size and shall conform to all provisions of the Garfield County Zoning Resolution of 1978, as amended, at time of building permit submittal.

The following appeared and commented at this exemption meeting:

Jean Blue - 0404 Road 104 - Carbondale.

Dee Blue 0404 Road 104- Carbondale

Alan Hadger of 174 Midland Suite 204, Basalt, Colorado representing Mr. Gessele and other neighbors. His first concern of Mr. Gessele and the application, as he has received it, promoted him to request more

time to study the application. These changes have not been review thoroughly by the neighbors as presented to the County Commissioners today. Some of the changes may very well be addressing the concerns of the neighbors which are: the ditch set-back and amount of property required. Another is the building envelope for Lot C.

Eric McCafferty - stated there was no building envelope - applicants have not submitted building envelopes.

Terry Harrington, stated they were purchasing the property. She clarified the reasons they changed the property was due to their biggest concern of taking into consideration the visual impact on the neighbors.

Sherry Colioa- stated there was always three lots with no substantial changes. She opposes a continuance.

Terry Harrington - submitted photographs showing the visual impact. She also submitted aerial maps to show the density.

Beninta Hammond - 17537 Highway 82 insisted that this will make a visual impact on her house if approved.

Mr. Hadger, attorney for Gasly's stated the acres would be far better divided into two properties versus the three divisions proposed by the Harringtons.

Kelly Gessele 17607 Hwy 82 - does make an impact into her visual

Ms. Hammond expressed her concern on the wildlife.

Ms. Gessele - proper pipe and size and an easement far from the ditch. (under H) and No. 5 in plat notes. Harrington's want to work with the neighbors.

Geri Zamora - 17453 Hwy 82 voiced her concern for lack of space and wildlife. Signed a 600 ft. well restriction. Said this is all news and requested more time to review and share, get other neighbors as she consider this to be a neighborhood, but today's news was a total surprise. She also stated she refuses to sign a waiver and that the two acres are a problem. No time to consult their own attorney.

Eric - does not need the waiver for water/wells. The concerns expressed by the neighbors over the wells is a moot point as it will not be a shared well or will not require the 600 foot spacing in waivers.

Chairman Smith stated she felt there was a lot of individuals who had not seen the latest plan and called for a continuance to allow these individuals to make comments as well a lot of materials that was submitted today of which the Commissioners have not had time to look over.

Don stated there were documents that needed to be accepted into the file prior to a continuance being addressed. These letters of April 1 from Hammonds, Zamoras, and Kelley Gessele were admitted into the record. Don inquired about a technical issue - the statement of authority to represent these individuals.

Eric stated the statement of authority was included in the packet.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to grant a continuance until May 6, 1996 at 4:00 P.M.

PUBLIC MEETING - AMENDED PLAT - DIXON SUBDIVISION EXEMPTION APPLICANT: MARY MCCARNEY

Building and Planning Eric McCafferty, County Attorney Don DeFord, and applicant Mary McCarney appeared to request an amended plan on the Dixon Subdivision. This is in relation of her business "Planted Earth."

Eric McCafferty presented: This is an amended plat for a 1.2 acre potentially in a zoning violation. By amending the original plat, this would comply with the zoning mandate. Therefore, Eric stated the staff was recommending approval.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve an amended plat for the Dixon Subdivision Exemption for Mary McCarney. Motion carried.

COUNTY ADMINISTRATOR

Bills

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to pay the bills for the second run of March, 1996. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of the Board of County Commissioners and go into the Liquor Licensing Board. Motion carried.

Adjournment from Board of County Commissioners into Liquor Licensing Board

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to adjourn from the Board of County Commissioners and reconvene as the Liquor License Board. Motion carried.

Opening Statements - Defendant

Tom Blumenthal made his opening statements - summarized - the alleged violations are a pre-text to close up what people feel is an offensive operation because of the fact that the proposal is that women are dancing without shirts on. He stated people have a right to do that and to go to a place that features that.... it is sort of a live and let live proposition. He stated after the hearing board has heard from the witnesses, they will see the violations for what they are - which he feels are unclear. The management agreement is one issue and the personnel previously employed is another. He closed his statements by saying " I felt reassured this morning, upon seeing the considerable list of procedural issues, and I just thank you for what appears to be an earnest desire to give a real fair hearing here, and I sure hope that's what happens."

Witnesses Called to Testify by the County

The following witnesses were called and testified on April 1, 1996 as follows:

Cheryl Kisow - 0495 Holland Hills - Basalt, Colorado. Cheryl, a former employee at the Relay Station, was called by the Assistant County Attorney to testify as to her knowledge of the Relay Station as pertaining to the charges filed regarding liquor license violations.

Ruth Klock - 0409 County road 104 - Carbondale, Colorado. Ruth, a former employee at the Relay Station was called by the Assistant County Attorney to testify as to her knowledge of the Relay Station as pertaining to the charges filed regarding liquor license violations.

Bill Knapp - 109 Haystack Lane - Old Snowmass. Bill was called by the County Attorney to testify regarding his restaurant business at the Relay Station called "Cool Beans" and how that tied into the charges filed in connection with the possible liquor license violations.

Recess

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to recess until 9:00 A.M. on Tuesday, April 2, 1996

Adjournment 9:35 P.M.

APRIL 2, 1996

BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

CONTINUED MEETING

The Board of County Commissioners reconvened from the April 1, 1996 regular meeting on Tuesday April 2, 1996 at 9:00 A.M. to address the Public Hearing of the License of the Relay Station. Chairman Marian Smith, Commissioners Arnold Mackley and Elmer (Buckey) Arbaney, Clerk and Recorder Mildred Alsdorf were present.

ORDER

The continued meeting was called to order at 10:50 A.M.

A motion was made to reconvene as the Board of County Commissioners by Commissioner Arbaney and seconded by Commissioner Mackley.

The record was to reflect that the Board of County Commissioners were ready to reconvene the meeting at 9:00 A.M. however, a possible resolution was pending for consideration by the Board. Kurt Stiegelmier also noted that he has three witnesses in the County Building awaiting to be called as witnesses.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of the Board of County Commissioners and go into the Liquor Licensing Board. Motion carried.

Entry of Appearance

The record should reflect that Attorney Richard Cummins 450 So. Glen, Aspen, CO was present in the hearing room along with Counsel Thomas Blumenthal; Special Attorney for the Commissioners Charles Willman, and Assistant County Attorney Kurt Stiegelmier.

Procedural Issue - Official Record

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to accept the record by Carolyn Stark as the official Court Record in this proceeding. Motion Carried.

Discussion Regarding Resolution Offered as a Plea Arrangement

The Board of County Commissioners were presented with the following offer as stated by Kurt Stiegelmier - The proposed stipulation for settlement is as follows: First, that the licensee, Cala de Vida, would admit paragraph 2 of the Notice of Hearing and Order to Show Cause. And further that they would admit a portion of paragraph 9. Kurt read the portion to be admitted - "On or about September 20, 1995 through March 12, 1996, you conducted the licensed premises in a manner that was not decent, orderly, or respectable. You permitted on the licensed premises the serving of apparently intoxicated persons and habitual drunkards in violation of Colorado Liquor Regulation No. 47 - 105 - 1."

Kurt explained the remainder of the paragraph 9 would be stricken. Second, the sanctions imposed by the Board would be a six-month suspension beginning on the date of the temporary suspension; third, any allegations in the lawsuit now pending in federal court that pertains to the liquor license for vacation, suspension or other action pertaining to the liquor license would be dismissed and appropriate releases would be signed. Finally, any allegations in the federal lawsuit asserting individual liability against the Board of County Commissioners in their individual capacities would further be dismissed and appropriate releases to that extent would be signed.

Kurt Stiegelmier noted for the record that there is this Notice to Show Cause, but in addition there is also a Public Hearing on Whether or Not Alteration of the Premises Should be Permitted.

Executive Session

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session to understand how both parts of this proposed resolution tie together. Don DeFord and Charlie Willman were included in the Executive Session. Motion carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to come out of Executive Session; carried.

Discussion Continued - Pending Resolution

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to recess the hearing on the Show Cause violation matter until 4:00 P.M. Carried.

Change Agenda

A motion was made by Commissioner Arbaney to postpone the Public Hearing on the Request to Change, Alter or Modify Premises Involving Cala De Vida, Inc. dba Relay Station to immediately follow the ruling on either the complaint as it currently exists or the acceptance of the stipulation offered by the licensee's attorney. Carried

Chairman Smith announced the Liquor Board would reconvene at 4:00 P.M. on April 2, 1996.

Recess - From Relay Station Hearing

A recess was taken between 12:01 P.M. and 5:00 P.M. - April 2, 1996.

Charlie Willman stated to let the record reflect that all three Commissioners are present. Public Comment was taken at this time regarding the Public Hearing regarding change, alteration or Modification to the Premises.

The following speakers gave input:

Gary Bates, Liquor Enforcement for the State of Colorado - supplying interpretations as to the Liquor Code Statutes and how applied in the State.

Tamar Monterano of 1164 106 Road, Carbondale

Debbie Romanus of 125 Stagecoach Circle, Carbondale

Colis Turner 0411 Stagecoach Lane, Carbondale

Mary Ann Hobgood of 0264 Surrey Street, Ranch at Roaring Fork, Carbondale

Teresa Shallow of 907 Blake in Glenwood Springs

Steve Smilack of 2755 County Road 103, Carbondale

James Hanas of 0379 Stagecoach Lane, Ranch at Roaring Fork

Robert Tucker of 0369 Stagecoach Lane, Ranch at Roaring Fork

Shirley Hunt - Ranch at Roaring Fork

Carol Wulffraat of 0118 Stagecoach Drive, Ranch at Roaring Fork, Carbondale

Barbara French of 0311 Stagecoach Drive, Ranch at Roaring Fork, Carbondale

Mary Laemmel of 280 Surrey, Ranch at Roaring Fork, Carbondale

Richard Hunt 14913 Highway 82 Carbondale

Corrie Karnan of 0267 Stagecoach Drive, Ranch at Roaring Fork, Carbondale

Susan Clingen of 302 Meadowood Drive, Carbondale

Ken Hobgood of 0264 Surry Street, Ranch at Roaring Fork, Carbondale

Resolution

Charlie Willman announced at 9:15 P.M. that the potential resolution regarding the Show Cause matter fell through and suggested the Board continue the Show Cause and Change Premises issues until 9:00 A.M. on Wednesday, April 3, 1996.

Recess as Liquor Licensing Board/Convene as Board of County Commissioners

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to reconvene as the Board of County Commissioners. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to continue both hearings until 9:00 A.M. on Wednesday, April 3, 1996. Carried.

**PUBLIC HEARING OF APPLICATION TO REQUEST CHANGE, ALTER OR MODIFY
PREMISES INVOLVING CALA DE VIDA, INC. DBA RELAY STATION**

Motion to reconvene as Board of County Commissioners was made by roll call.

Chairman Smith reported this was Ordinance 96-1. It was read in full and this is the second reading of the Ordinance referenced as Title only.

Kurt Stiegelmier mentioned it was not necessary to read the entire ordinance again. He tendered to the Clerk, two affidavits of publication in two newspapers of general circulation within the County publishing the proposed Ordinance for 10 days prior to today's date and tendered to the Board findings in the ordinance itself for passing this Ordinance. These findings based upon testimony presented to the Board at first reading on March 19, 1996 and based upon testimony by Sheriff Dalessandri, Lt. Sears, and Mark Bean as to the secondary impacts of such establishments how this Ordinance will address those secondary adverse impacts and the fact that a reasonable number of suitable locations exist for similar establishments within the County even after the Commissioners adopt this Ordinance. These findings are essential and are for the Commissioners to determine if these facts were established.

Kurt reiterated these findings are necessary before they can adopt this kind of Ordinance.

Chairman Smith questioned as to when this Ordinance becomes effective.

Kurt stated in Section 2 it essentially provides under the safety issue, if the Commissioners adopt Section 2, the Ordinance becomes effective immediately to protect the public from such establishments. Without this special finding the Ordinance becomes effective in 30 days.

The Statute requires at least 10 days once the Ordinance is published. The Board must give public notice.

Chairman Smith inquired if either one of the commissioners wanted to have an Executive Session prior to adopting this Ordinance.

Kurt stated the Board of County Commissioners do not have to make a ruling of adoption. Ruling can be held over and set a date for more consideration.

Commissioner Arbaney wants more time to discuss with Don in Executive Session.

A motion was made by Commissioner Arbaney to carry the decision regarding the adoption of the Ordinance forward until April 8 at 12:00. Motion was seconded by Commissioner Mackley. Carried.

Recess

APRIL 3, 1996

(CONTINUED) PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

DBA LIQUOR LICENSING BOARD

GLENWOOD SPRINGS, CO 81602

The continued meeting of the Board of County Commissioners reconvened on Wednesday, April 3, 1996 at 9:15 A.M. Chairman Marian Smith, Commissioners Arnold Mackley and Elmer (Buckey) Arbaney were present. Also present were: Attorney for the Commissioners Charlie Willman, Assistant County Attorney Kurt Stiegelmier, Attorney for the Defense Thomas Blumenthal, and Clerk and Recorder, Mildred Alsdorf.

ORDER

The Commissioners reconvened as Board of County Commissioners at 9:15 A.M.

Liquor License Board

A motion was made to go into the Liquor Licensing Board by Commissioner Arbaney and seconded by Commissioner Mackley. Carried.

Exhibits

Kurt Stiegelmier noted for the record that Exhibits 1, 4, 6, 8 a & b, 9, 12 a, b, c; 15, 16, 17 were marked for the record. Exhibit No. 14 was marked and identified but not yet admitted.

Witnesses Called for Plaintiff

Gary Bates, State Department Liquor Enforcement Officer was called to testify regarding his job responsibilities in regard to inspecting, advising, enforcement, and violation processing. He gave testimony regarding the interpretation of the Liquor Code Statutes, document contents as related to the statutes (management agreement/lease), and the liquor code violations 12.47-103; 47.129.2

Recess Until 12:30 P.M.

Let the record reflect that all three Commissioners are present and reconvening as the Liquor Licensing Board.

Witnesses Called for Plaintiff

Mary Laemmel of 280 Surrey, Ranch at Roaring Fork, Carbondale was called to testify regarding her working knowledge of the operation of the Relay Station during her employment under the management of Phil Henke from June 1990 - March 1996.

David Philip Brown of 0006 Harmony Road, Eagle County was called to testify regarding his knowledge of building permits for the Relay Station and photographs taken on March 9, 1996 of a stock pile of construction materials. Exhibits 12 - a, b, c. Also, testified regarding the occupancy levels of 15 to 30 sq. ft per person and how the addition of the stage lowered the occupancy by 10 people at the Relay Station. Donald W. Owens, Garfield County Building Official in Charge of Inspection Services was called to testify as an expert witness in field inspection and to his direct knowledge regarding activities directly related to the Relay Station March 8 - 14, 1996 with respect to a building permit violation (platform) March 11 - Exhibit 8 a & b; stop use permit issued 4:30 P.M. March 11 - taken down March 14 - Exhibit 21; and final inspection of stage/platform. He also testified as to the original occupancy of 198 total and after installation of the stage/platform it was reduced to 150 total occupancy. Testimony was given per building code as to the purpose and dimensions of a stage as compared to a platform. Exhibits 20 and 21 were admitted into the record.

Mildred Alsdorf, Clerk of the Board of County Commissioners was called to testify as to her knowledge and information regarding the original hotel and restaurant liquor license; the temporary license issued

September 18, 1995 to John Burke and Mark McDonald; the permanent liquor license and interview with Board of County Commissioners on December 22, 1996; and the meeting held in her office of January 8, 1996. Petitioners Exhibit No. 5 was referenced. Phone call on March 8 and personal meeting on March 12, 1996 when an application was given to include Robert Gunther as manager, and subsequently filed on March 19, 1996. Exhibit 10 - re-cap of a meeting was referenced; Exhibit 7 - excerpt of a taped meeting held on October 16, 1995 to discuss liquor license before Commissioners; and Exhibit 2 affidavit dated March 5, 1996.

PLAINTIFF'S CASE RESTS

DEFENSE

Thomas Blumenthal, Attorney for the Defense requested a written ruling stating his clients will not serve liquor for a couple of days and additionally requested to reschedule a hearing on the penalty process.

Request Denied

Witness Called by Defense

Mark McDonald of P.O. Box 3913, Aspen was called to testify. Exhibit No. 22 - a fax dated March 27, 1996 on the management agreement/lease = referenced. Mr. McDonald testified as to his knowledge of the management agreement/lease; former employees Gerald Mohl, Cheryl Kisow, incident with Rose, Ruth Klock, Bill Knapp, Robert Gunther, and the building of the stage at the Relay Station.

Dona Maes of 0053 Goose Lane, Carbondale was called as a witness to testify as to her two and three-quarter years as a cocktail waitress, bartender, and office manager for the Relay Station as directly related to her knowledge of Mark McDonald, the operation of the business, overserving of intoxicated individuals, food not being served during remodeling, Cheryl Kisow and Ruth Klock; and her husband's direct contact with the order of lumber for the construction of the stage on approximately March 6.

Rebuttal Witness for the Plaintiff

Debbie Ramonos from Ranch at Roaring Fork was called to testify as to her direct knowledge of the lack of food being served at the Relay Station during the remodeling period.

Mildred Alsdorf as to the second to last paragraph of Exhibit No. 7.

Cheryl Kisow for clarifications and rebuttal of previous testimony provided by the defense.

Rebuttal Witness for the Defense

Mark McDonald - regarding his intentions to correct problems and stop overservice to customers who were intoxicated.

Exhibit 1 - Affidavit of Cheryl Kisow

Exhibit 2 - Affidavit of Mildred Alsdorf

Exhibit 3 - no

Exhibit 4 - Management Agreement

Exhibit 5 - Original Floor Plan

Exhibit 6 - Diagram - new stage

Exhibit 7 - Excerpt of Board of County Commissioner October 1995

Exhibit 8 - Photographs of disassembled stage

Exhibit 9 -

Exhibit 10 March 1996 Meeting with Licensee

Exhibit 11 None

Exhibit 23 a, b, c, - Lumber Photographs

Exhibit 13 Licensee for Change/Modification

Exhibit 14 - Management identified but not engineered

Exhibit 15 - W-2

Exhibit 16 - INS

Exhibit 17 - Affidavit of Bill Knapp
Exhibit 18 - Highlighted Copy of Management Agreement by Gary Bates
Exhibit 19 - Thomas Blumenthal identified as Defense Counsel
Exhibit 20 - Owens Notes
Exhibit 21 - Stop Use Notice
Exhibit 22 - Fax from Ned Cullom

Chairman Smith admitted Exhibit No. 18 - Gary Bates highlighted copy of the Management Agreement.

Thomas Blumenthal moved to have Exhibit No. 22 admitted.

Closing Arguments - Kurt Stiegelmeier

Chairman Smith approved 45 minute time limits for each side. Kurt reserved 15 minutes for rebuttal.

Kurt Stiegelmeier reviewed the violations in detail regarding the Notice of Hearing and Order to Show Cause Why Liquor License should not be Revoked or Suspended. He referenced the witnesses and the testimony presented. He established a pattern of repeated violations that he stated proved willful and deliberate intentions to violate the liquor code on the part of the management/owners of the Relay Station. Brief and Summarized, Kurt reviewed the case presented:

Charges - Modification of Premises

- made physical changes
- altered the premises
- size
- lowered the occupancy/ materially and substantially
- no written prior approval of the Board - did this twice
(even after Mildred Alsdorf told them not to)
- termed - willful/flagrant
- public entitled to be heard
- law of the State of Colorado
- leasing 1/2 to a 3rd party
- management agreement (Exhibit 4 and 14)
- testimony of Bill Knapp
- lease not a management agreement
- terms of agreement
 - control is the issue in paragraph 2.01
- separate tax license and accounting
- par. 2.04 - "prime lease is terminated can direct it to a lease"
- rent - fee payment is % rent not unusual
- utilities, phones in exclusive control
- late fees applied
- possession on premises (essence of a lease)
- disclaimers on the property
- right of inspection upon entry
- controlled use of premises
- employees separate - Visa Machines - taxes - finances
- paragraph 6.01 - "give up and take over"
- license is responsible - cannot advocate to a 3rd person
- fixtures
- insurance - provided taxes and insurance and who bears losses
 - Snowmass was at risk
- security deposit - trade names, etc. covenant of quiet enjoyment
- selling alcohol when meals are not actually and regularly served
- 12.103.(12) Hotel/restaurant liquor license
 - 6 weeks shut down and no meals served
 - Testimony of Cheryl Kisow and Ruth Klock

Compared testimony to Dona Maes

25% of gross income from food

no meals

Knapp - not registered - Gunther 2/7/96

Not a pretext

mixing restaurant with bar - overserving

John Burke - not of good moral character

Gunther - General Manager

Defrauding of taxes

Trying not to have Ruth Klock appear

Obtain in meals - 47-119 - Bates, "pizza brought it as long as not your sole source of food"

Leased to Knapp

Conduct not orderly - offensive - Rose

Cash payments versus checks with stubs

Serving visually intoxicated persons

Proof of allegations and witnesses

Cheryl Kisow - portions may be unbelievable

Ruth Klock - good witness - credible

Dona Maes - good friend

Mark McDonald - poor memory or evasive

Closing Arguments - Tom Blumenthal

Unbelievable that Cheryl Kisow and Ruth Klock would say identical things

Scary to think what people will do - "anything" to bring someone down

Bad feelings - motive

Real life and common sense

hornets nest - not in my back yard

Proportional in Punishment - fair and right

Serving individuals - not driving vehicles = mitigation

Housekeeping errors

Overstated and overreaching remarks about government being defrauded of taxes

Tax information merely late - no proof otherwise

Mark McDonald - ambitious/lacking experience

Doorway - efforts to service correctly

Waitresses in error of serving drinks

Rosie - no evidence that this was contemplated by management

Cheryl Kisow's testimony not believable

Ruth Klock's accusations against John Burke - Class 4 felony - revenge

Partnership with Mr. Knapp/Cool Beans -

partnership is sharing of profits

ownership/not lease

called rent/amount of money paid

liquor code/%'s/acceptable way for manager to be compensated

Gunther - misrepresented to Chairman Smith

Alsdorf - allegations/things said/people do not remember who said what/when

25% food - no evidence - inference from testimony

food was available - not proved otherwise

a stage replacing a stage

choice of some people to do this kind of work/does not require our respect/let them

requested a fair sanction/fair punishment/let them operate

sanctions proportional

Rebuttal - Kurt

Violations are willful, flagrant, repeated
People actions/not words
Not what you call something/what it is
Meals/not chips

Instructions to the Commissioners

Charlie Willman gave some instructions to the Commissioners. He explained Rules of Evidence and there are some things that should not be considered as evidence such as comments made. Evidence is to be taken from testimony of witnesses and from exhibits. Executive Sessions can be taken before, during deliberations or after deliberations and before rendering a final decision.

The County Commissioners chose to deliberate in a public session.

Charlie stated the Commissioners should take each allegation 1 - 13 and determine through discussion if this was proven or not proven; then a motion to be made with all three voting aye or nay.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session. Carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to come out of Executive Session.

The Licensee, stated Tom Blumenthal, would admit to paragraph 2 of the Notice of Hearing to Show Cause and a portion of paragraph 9 by amending and striking - "on or about March 12, ...conducted the premises in a ..." Also that the sanction would be a 6-month period. Any allegations now pending in court against Garfield County or any principals named, would be dismissed and signed. Mr. Blumenthal indicated Richard Cummins and he are in agreement. Clarified the part in paragraph 9 to specify on page three - "drunkard" stricken until it says "violation." And an additional wrinkle to which Kurt will not oppose - alteration to building for the stage as a Modification to the Premises. This appears to be a technical question and a provision within the liquor code. Mr. Blumenthal asked if the Board could accept this stipulation. Paragraph 2 as amended was read into the record.

A motion was made to go into Executive Session by Commissioner Mackley to discuss the offer. Motion seconded by Commissioner Arbaney. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session; carried.

Reconvene as Liquor Licensing Board

Charlie Willman asked, "Does the Board accept the new stipulation as presented which is to amend Paragraph 2 and drop all charges in Paragraph 9?" If the Commissioners agree to this, the violations as charged in No. 1, 3, 5, 6, 7, 8, 10, 11, and 13 cannot be used later at a liquor hearing involving these principals. Within this plea bargaining there will still the suspension, however, the suit filed in Federal Court, individually against the Commissioner, will be dropped. Charlie added that totally releases the Commissioners individually for past acts as well as the Board of County Commissioners dba Liquor Licensing Board. Mr. Willman also reiterated that a 6-month suspension is the greatest time that can be imposed without revoking the license.

Commissioners' Response - NO

Mr. Blumenthal asked, "If the Commissioners select the option of revocation of their license, are they eligible to re-apply after a certain amount of time?"

Mr. Willman - "yes."

Mr. Blumenthal - "can the liquor license be transferred should the Relay Station be sold to another party."

Mr. Willman, "yes, the transfer is on the building." If the license is suspended for 6-months, that can occur in September.

Kurt Stiegelmeier stated, even if the liquor license is suspended, the business can still operate as a POP SHOP. There are no County Ordinances in place at this time. If the Nude Ordinance is adopted there is still a window to let them operate and serve liquor. Regarding the second hearing - Modification of Revision of the Premises. This is a separate issue. Regarding the Alteration and Modification, the Commissioners will take public comment.

A motion was made to recess until 4:00 P.M. by Commissioner Arbaney and seconded by Commissioner Mackley at which time they will proceed on the Violation matter. Carried.

Reconvene

Mr. Willman stated to let the record reflect that the Commissioners are all present and are serving as the Liquor License Board.

Concerns raised by Commissioner Arbaney on postponing the Public Hearing on the Modification to the Building was stated in the form of a motion.

A motion was made to continue the Public Hearing on Application To Request Change, Alter, or Modify Premises involving Cala DeVida, Inc., dba Relay Station to follow the settlement of the suspension of the liquor license by Commissioner Arbaney and seconded by Commissioner Mackley. Carried.

Recess until 4:00 P.M.

APRIL 8, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:05 A.M. on Monday, April 8, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present was: County Clerk and Recorder, Mildred Alsdorf.

ORDER

Chairman Smith called the meeting to order at 8:05A.M.

County Administrator

In the absence of Chuck Deschenes, due to vacation leave, Mark Bean was filling the job responsibilities.

MOUNTAIN COALITION - PREVENTION CHILD ABUSE

Resa Fillis presented the Commissioners with the Child Abuse Dolls and shared the success of previous years. Chairman Smith commented on the originality of the approach.

PLANNING COMMISSION INTERVIEW - MICHELLE FOSTER

Michelle Foster gave a synopsis of her experience and qualifications that would qualify her for consideration for the Planning Commission. Her response to the question of growth included the statement that she believed in being pro-active versus re-active. Growth is evident and there probably aren't any real good answers, however, nevertheless her concerns are for planned growth. The rules and regulations of the Planning Commission are complex and Michelle seemed to be aware of it. She described her desire for the growth to be a combination of a bedroom community and permanent growth.

JAIL DISCUSSION

Jail Count

Total count 97; main jail 37; 40 work release; 10 females; 2 other jails - 1 in juvenile center in Grand Junction; 6 home detention; no day reporting; 2 State Hospital; 2 DOC. Tom reported the two in the State Hospital are there for observation. The one with multiple personalities and Tom reported she had attempted to escape.

Commissioners reported they have the Sheriff's agreement with Battlement Mesa. Don DeFord had just received his request to purchase the other vehicle that was for the Battlement Mesa area. The agreement states the car would leave the immediate area of Battlement Mesa if necessary.

Forfeiture Money

Tom reported he had taken the form from Trident and it requires an audit. Therefore, Chairman Smith mentioned he needed to meet regularly with her and Milt Blakey would be the best.

Cleaning and Sanitation - Ventilation System

Tom reported he had received an estimate for cleaning and sanitation of the ventilation system at the jail. The cost is about \$4,700. This is part of the overheating problem and stagnant air experienced in the jail. Mike McBreen is checking to see if he can find someone to do this cheaper.

New Jail

Don DeFord requested direction from the Commissioners and the Sheriff regarding development on the Chatfield Property. The letter the County had received was dated March 19, 1996 and one of the issues was "how much can the County pay for the property."

Commissioner Arbaney stated he felt that the response should indicate that we are on schedule and are going forward on the plans. Further he felt the letter should say that the Commissioners have not received the information requested.

Commissioner Mackley phoned the Mayor and informed Marc Adler that a preliminary report has been received. However, the geotechnical final report has not been received.

Bills

A bill from Tom Smith was submitted. Don suggested handling the legal billings the same as other legal payments.

A motion was made by Commissioner Mackley to reimburse the invoice from Tom Smith for the Sheriff's legal services and the consent degree. Seconded by Commissioner Arbaney. Carried.

Seizure Funds

Sheriff Tom explained the seizure fund. Under State Statutes and Federal Guidelines the seizure fund is designed where when someone is arrested for drug charges and the Sheriff either seizes money or property, at the end of the Court Proceedings, the Sheriff's department can apply for the money which is forfeited to the law enforcement agency. The law is very specific that the money must be used for law enforcement. The review committee consists of the District Attorney, Commissioner Marian Smith, and the Sheriff. This committee reviews these forfeitures according to the criteria and appropriateness as it applies to the Statutes. At present \$20,000 is in that fund. The Trident Account is separate to the Seizure Account; Ed Casias of the District Attorney's office handles this. This goes into the Trident Account to support those services.

Vehicles

Tom reported discussions were held with Don DeFord, Ron Vanmeter and other staff from Battlement Mesa. Don stated he was uncomfortable with some of the wording and specifically within the memorandum - Paragraph #1 - the following needs to be stricken...."now therefore in consideration of...." Don stated the Statutes do not allow for contracting to provide law enforcement prohibited by law. Tom stated this is a tune-up on services to that area. There was a lot of misunderstanding of what Battlement Mesa was to get as far as law enforcement. It was a greater level of service than the Sheriff could offer. The intent of the meeting was to answer concerns and address questions of how to address service. Some of the things provided to Battlement Mesa is the same as in the entire County - the DARE program has expanded to include Parachute as well as Community Policing which is volunteers providing "watching and reporting."

Chairman Smith stated she had a concern regarding the mileage of the used vehicles.

Tom felt this was an issue of concern to him also. The benefits of stripping, light bars, radios, etc. that came with the cars equaled the risk however. It is still considered a very good deal. Tom projected these cars will last about two years. These cars are for the two new staff persons hired from through the LEAF grant and the COPS grant. Tom reported these were new grants and it recovered a portion of the salary. The LEAF grant was a portion of the salary but does not require any match; the COPS grant was a match and will pay 75% the first year and goes down each year. Equipment is not part of the match.

A motion was made by Commissioner Arbaney to authorize the general fund to pay for an additional used car from Rey Motors for the Sheriff's department. Commissioner Mackley seconded. Discussion - Chairman Smith added, this will be because they added dollars which have gone to Battlement Mesa. Carried.

County Operations

Dale reported that Reilly/johnson will be here on Friday night to provide the walk-throughs for the kitchen and laundry, making some refinements showing what they will look like in the new jail. Prior to that walk through, they are going to have a meeting with Don, URS, and him because there are some continuing anxiety of the part of Reilly/johnson with regard to the guaranteed price/guaranteed schedule discussion as far as the project is concerned, therefore, these issues are going to be hammered out on Thursday night starting about 8:00 P.M.

Jail Advisory Board Meeting

Al Maggard reported the Board meeting will be on Thursday at noon at the Hotel Colorado.

Relay Station

Tom reported a few complaints over the weekend at the Relay Station. He had (3) three complaints about alleged people leaving intoxicated, driving recklessly, etc. Tom reported they did follow up but no arrest were made as they couldn't find the people they had called to complain about.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Amy Thomas did not speak but stated she came to listen to the proceedings regarding the Relay Station. She was from Carbondale.

Chairman Smith reported on the upcoming items scheduled on the agenda for today's meeting in regard to the Relay Station.

COUNTY BUSINESS - BUILDING AND PLANNING REPORT

Mark Bean submitted the monthly report and called attention to a backlog of SB exemptions. He has (2) two today and some have been continued. The Mitchell Creek PUD has technically been withdrawn however this is all verbal at this point. Sierra Bluffs is unscheduled at the present time. Los Amigos should be next week, as they had to reschedule this until April 15. This is an amendment to their original PUD. The Levitt Subdivision on the Garfield/Eagle line was scheduled to go the Planning Commission this Wednesday evening, however due to some concerns to some challenges due to legal notice, because they did not notify people who were adjacent to their water storage tank. They decided to re-notice to avoid a 106 action brought up against them. This will be before the Commissioners the latter part of May or early June. Granau has worked and discussed the issues with adjacent property owners. Commissioner Arbaney wants the Planning Commission to impose some screening and landscape issues. Mark reported the Ranch was made aware of where the construction would be built. Mark suggested identification of a building envelope and a proposed solution prior to the meeting. Mark additionally reported on the upcoming agenda items that have been before the Planning Commission.

Building Permits

A report was issued by Mark. The total numbers are slightly above last year at this time - 77 vs 70. Permit fees are higher this year. Aspen Glen permits for building is averaging around the \$300,000-\$400,000 price range; one is for 1/2 million. Compared to our area, the average cost per unit is \$250 a sq. ft. in Frisco/Dillon for a Keystone 2-bedroom/one bath condo of 1000 sq. ft. The building cost is \$150 per sq. ft. In Vail, a duplex will cost right at \$5 million dollars and each unit will be sold for \$5 million. Mark reported in terms of activities, Battlement Mesa is the busiest; Carbondale and Glenwood Springs are not far behind in terms of their number of units. Silt is also very active. Last month the Building and Planning Department issued a total of 18 total new permits. The Grass Mesa area above Rifle is getting active also.

DEPARTMENT HEADS

Dave Gallagher, Contractor for Weed Control

Dave reported he would submit a written report to the Commissioners next week on Intergovernmental Agreements. Grand Junction wants to initiate an Intergovernmental Agreement that ties into the one with the Resource Development of areas that Dave has never addressed. This would be an expansion on revenue the County would receive and be a part of the existing Intergovernmental Agreement. This would cover areas on the Roan Creek, Baxter, and Douglas areas. Weed control is a hot issue with the Governor's office. The Forest Service has not stated the funding was available. A cut back in staff here locally has been evidenced.

Dave reported that the Colorado Department of Transportation confirmed the dollars on an Intergovernmental Agreement; and he wanted to know if it was okay to spray the western part of the County. King has not reported back to Dave. This is to make certain the roads sprayed are in agreement with the other department.

County Operations

Dale Hancock inventoried the hardware of translators at Anvil Points. He had received calls from a radio management group which includes KOOL and KEKB and one other who wants to talk about leasing space at one of the sites. Dale informed them that he already had KREX, KJDT, KQIL up there and he wasn't

sure there was room for anymore. Also, this is a site where they will be putting two new UHF repeaters for Ambulance service. Dale stated he did assess that there was room and sent them a contract. He looked at TV stuff at Anvil Points and noticed that Channel 6 was coming over Channel 66. Dale stated he remembered that KRMA will be out of Grand Junction sometime the first of the Summer. While in the area, Dale stopped and chatted with KRMA: Gay Hammer, is the Station Manager and saw the microwave path they have already built. It would appear that it won't take much to get Channel 6 into Garfield County. This will be a political win for all concerned without a lot of cost. According to the correspondence Dale has received in the past, and according to Channel 6, there are 2,000 subscribers in this area that participate with funding efforts. The County already has the license that will fit KRMA and equipment from the system that broadcasts KRMA. Dale will provide additional input as possible. KRMA has built a three-hop system, Denver, Mesquite Pass in Summit County, to Lookout, however, the new site is coming up from the South. Mountain Top Management already has a site on Lookout. Castle Peak has always been a big hop point. April 22, 1996 is the date needed for transfer. Regarding Pitkin County, they are still waiting to get things done.

The Commissioners had told Dale if he could verify if Sweetwater can get coverage, then Dale could sell Castle Peak. Dale plans to go over to Sweetwater the end of this week and do testing. If it works, Dale sees no reason not to sell this Castle Peak Hardware and License - this will bring in \$10,000.

Chairman Smith wanted Dale to be sure that KRMA will not need Castle Peak for a hop.

Dale stated he has seen the microwave path and it is coming up from the South.

Garfield County 4-H Cooperative Extension

Carol McNeel, Garfield County Extension Agent, reported. A secretary was hired last week - Mary Martin. Last week they began tracking phone calls. Sixteen (16) non 4-H related, mostly horticultural calls and a lot of calls about soil test and most are from Garfield County. Carol stated she has put together some information for a handout. However, budget constraints have trimmed her program.

Commissioner Mackley stated there will be a meeting to determine if this office is Regional or not. Carol was told she was to only do 4-H work. A committee meeting is to be held on April 16, 7:00 here and she hopes to get some clarification.

At the regular meeting of 4-H Council tonight, they will be working on By-Laws updates and provision for absentee ballots. Tuesday there is a meeting with the fundraising committee and also on April 18 there is a Fairground meeting.

Chairman Smith mentioned to Carol regarding the Horticulture to look into retired persons with a background in this field and use possible volunteers. Carol responded that this worked with the Master Gardener program. Carol is very committed to making this program work.

A meeting is set for May 9 at 4:00 p.m. with Milan, Nathan, Holly, and Carol to discuss the question of being a part of the region.

County Administrator

Chairman Smith requested Mark to advise Chuck to write a letter to Milan making sure Carol was a part of the meeting to be held on May 9, at 4:00 P.M.

Mark Bean reported on a Source of Filth Violation as defined in the State Code. Mountain Meadows Home Park has a septic system that caved in. Mark reported the Grand Junction Department of Health came into his office last Friday and mentioned there was a problem with a septic system in this area. The septic system has caved in and is eating a truck and a part of a mobile home that is apparently used for storage. Jake went out and took photographs last Friday. It appears the ground has broken, a possible line broken. They have been filling this crevice in. Jake's observation was that the water line may have broken and not the whole treatment facility. Also, Jake reported further down near the road, there is a real raunchy odor so there are two things going on. The State can go after the failed septic or the individual sewage disposal system. But reports were given to Mark of the mobile park being overcrowded. Mark suggested that the County Commissioners take action as the Board of Health with the "source of filth violation" issue; and let the State Health Department handle the broken septic system. The Park will have to either get a permit to build the new septic system. It is possible to limit the number of occupancies of these units to 2 people per bedroom. Reports have been made of up to 7 people per bedroom in some of the units.

Mark added, some developers have been looking at the UNOCAL property near Cattle Creek for commercial development which would be necessary to provide central sewer. This is North of Aspen Glen. Mark will be sending a letter and the Board of County Commissioners may have to hold a Public Hearing on this issue as the Board of Health on the "source of filth violation."

PUBLIC MEETING - AMENDED PLAT - MORRISANIA RANCH LOTS 65, 66, 70 - 75

APPLICANT: CRAIG HAYWARD

Mark Bean provided the information that Mr. Hayward wants to move the property lines around, he is not increasing or decreasing the number of lots. One of the things the Commissioners look at is making sure no property owner is having their access cut off. Mark stated there was not a change in the access. He is trying to take the topography in line with the geographic lines.

Glenn St. John, the owner of lots 63 - 64 and a portion of 65 and 66, was present. He stated as long as the 2 acre minimum is maintained there is not problem. At present, the lots range from 4 acres to 14 acres. The adjacent property owners had no problem with the proposed plans once clarified.

A motion to authorize Mark Bean to provide direction to continue forward was made by Commissioner Mackley. Motion was seconded by Commissioner Arbaney . Carried.

PUBLIC MEETING - FINAL PLAT - MOUNTAIN MEADOWS AT PRINCE CREEK

APPLICANT: ANNELIESE R. ALLEN

Mark Bean, Anneliese Allen, and John Schenck were present. John stated the referee reviewed the degree issued by the Judge this morning. Don had reviewed the Subdivision Improvements Agreement (SIA), Letter of Credit guaranteeing improvements and a Milar signed by all parties except the Board of County Commissioners and the County Clerk. Don DeFord stated he had reviewed the documents and they were in order. However, one of the requirements in the County's SIA procedures, requires the transfer of water rights and water systems. There is a formal quit claim deed to do this. John has not been able to handle the timing of the water court and his client. The water court decree will come in but it may be a week or so before it does.

John Schenck asked to have the plat signed based upon a stipulation. The referee made his ruling this morning. A copy was given to Mark Bean. There is a 30-day period before the Judge signs off on the decree and then John can get the well issued by the State Engineer. This is a mechanical step forward of what Don and he has talked about. No opposition to this except the Town of Carbondale and those particulars have been handled. Two lots are under contract.

A motion was made to authorize the Chair to sign the Plat and Subdivision Improvements Agreement for Mountain Meadows at Prince Creek for Anneliese R. Allen. Seconded by Commissioner Arbaney. Carried.

Mildred Alsdorf, Clerk and Recorder, will hold the executed plat until they come in.

LIQUOR LICENSE RENEWALS APPLICANTS: BATTLEMENT MESA MGMT CO DBA FAIRWAY CAFE; NEW CASTLE KOA

Mildred Alsdorf reported. Battlement Mesa sent application to the State. They have optional premises and must notify the Clerk's office when they will have this on the golf course.

A motion was made by Commissioner Arbaney to authorize the Chair to sign a renewal Hotel/Restaurant Liquor License for Battlement Mesa Management Company DBA Fairway Cafe. Commissioner Mackley seconded the motion. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to renew for the 3.2 liquor/beer license made by Carol Richard in KOA Campground in New Castle. Carried.

PUBLIC HEARING - ABATEMENTS APPLICANTS: HAROLD L. BLUE, CAZA DRILLING CO, LAVA EEMML I LLC

Mildred Alsdorf presented for the Assessor's office the following abatements.

Harold L. Blue - \$1,410.59; Lava EEMML I LLC - \$6,147.16; and Caza Drilling Co. (1994) Inc. - \$2,984.19.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize an abatement for Harold L. Blue for taxes abated in the sum of \$1,410.59. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize abatements of LAVA EMLL ILLC for taxes abated for \$2,984.19. Carried

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize abatements of taxes to Caza Drilling Co. for \$2,984.19. Carried.

GRAND RIVER HOSPITAL DISTRICT - RURAL HEALTH TRANSITION GRANT

Jo Arnold, Chairperson and Mary Jane Hangs of the HCFA Health Care Transition Grant Team representing the Grand River Hospital District appeared before the Commissioners requesting joint effort in improving the health care community as well as improving the overall wellness of the entire District. The request extended to support the goals and they were asking for a letter of endorsement to include in the grant proposal. The grant they are seeking is for a 3 year period for a total sum of \$55,000. \$16,000 is earmarked for capitol equipment for cardiac rehabilitation and the remainder for education of instructors as well as placement or education for the seniors as well as the others. They must apply each year for the same \$55,000. There is no matching of funds required. What they need is a Letter of Endorsement showing community support. The District will provide matching salaries if needed.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to write a letter to the Grand River Hospital District showing the Commissioners' support to make a joint effort in improving the health care community. Carried.

CONTINUED PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION, LOCATED APPROXIMATELY 7 MILES SOUTH OF GLENWOOD SPRINGS APPLICANT; KURT GRONAU

Mark Bean, Kurt Gronau, Robert Chaffin for clients of Argonaut Ranch. Toby Gucinni and Contractor Duane Newman were also present.

Kurt Gronau submitted copies of proposed plat notes in a building envelope in line with the mother-in-law apartment. Kurt stated he still has the building envelope and was answering concerns with respect to objections brought forth by Argonaut Ranch at the last public hearing. Kurt stated he had met with John and Toby on Tuesday last in regard to where they would like to see the house built on Lot 1. At that time he had discussed this issue with his partner and he was concerned about being tied down to a specific place because of the snow and no one has been up there to advise them of building conditions. However, he did speak with him and his partner stated he would be sensitive to issues raised by Argonaut Ranch. Argonaut Ranch, to the best of his understanding, would like to see House No. 2 on proposed Lot No. 1 as close as possible to Oak Meadows Subdivision so that their view would be impaired less. Due to his partner being concerned with regard to being tied down to a specific location, Kurt was unable to bring to the Board anything more specific. Kurt indicated his sensitivity to their concerns with as little visual impact as possible keeping in mind that it would be a vacation cabin. In addition, Kurt spoke to his contractor, Duane Newman, who advised Kurt that he had advised Argonaut Ranch of the fact that he was building Kurt's house last summer. Unfortunately, from the initial meeting, Kurt was not apprised of any concerns by Argonaut Ranch at that time of any impact on impairment of view up the mountain. Kurt stated had he been aware of concerns at that time, this could possibly have been avoided now.

Robert Chaffin representing Argonaut Ranch, presented a handout including five photographs. These depict as it presently sits and drawn in the proposed dwelling. The critical points are that the photos already show an impact on the view of Argonaut Ranch. Chaffin stated he was here due to the sensitivity and how critical it is, at this point, in the approval of this process with permitting the building envelope. He admitted that Duane Newman did mention that he was going to be building a house but that's all that it was; there were no plans or details. The critical thing is the impact. Chaffin requested a site review of this situation by the Commissioners so that the parties and the Commissioners could see what the current impact is presently and with regard to potential future impact. He further requested time then to work on a commitment for landscaping and screening of the future buildings. Mr. Chaffin also stated the foundation and soil are also primary concerns.

Kurt took exception to Mr. Chaffin's comments stating that it will not triple impact to the area. Commissioner Mackley expressed a desire to have a chance to review this, but he understands the regulations. Commissioner Mackley asked for Kurt's permission to hold off until a site review is scheduled.

Kurt expressed his concerns that this site review would not benefit him and he is not in favor of doing that because he felt he had expressed his willingness to work with Argonaut Ranch and was considering their sensitivity to the additional building.

Commissioner Arbaney expressed the County Commissioners have made an effort to do a site review in the past when they knew there would be controversy.

Chairman Smith stated screening was one of the things that is important for the Commissioners whenever there is a sensitivity issue. She asked Mr. Gronau if he would consider this option.

Commissioner Arbaney stated screening in regard mainly to the landscaping issue such as planting trees.

Kurt Gronau stated he did not have an objection to this. What he has an objection to is being put in limbo. If the Commissioners want to be specific in the screening processes, that will be included in the conditions of final plat approval, then he would not have any problem.

Commissioner Arbaney stepped down stating he has a conflict as he owns property close by and his daughter's property has to look at this also.

Chairman Smith stated any landscaping screening must also meet the wildfire fire code restrictions, so it should not be too close to the property.

Mr. Chaffin stated perhaps it would be acceptable to have the building envelope on Lot 1 be placed on the northern half and have this stated in the conditions of approval.

Mark Bean clarified you would have to be at least 25 feet from your most northerly property boundary.

Buckey Arbaney spoke from the audience. Mr. Gronau will have to excavate into the mountain and this is what concerns him. The excavation will be the more obvious than the construction.

A motion was made by Commissioner Mackley to add two conditions of approval, as read into the record by Mark Bean and No. 9 which states that the applicant build on the most northern portion of building envelope No. 1 and No. 10 that the applicant will screen the excavation and house to minimize or reduce the visual impact and staying in compliance with the provision within the fire code regulations as stated in condition No. 2. The motion was seconded by Commissioner Smith who stepped down as the Chair.

Carried.

The conditions of approval were read into the record as follows and included the additional conditions as within the motion:

All representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities and building envelopes for an accessory dwelling unit on Lot 2 and the main dwelling on Lot 1. Further that the following plat notes shall be noted: "All new construction shall be consistent with Colorado State Forest Service wildfire prevention guidelines specified in the pamphlet "Wildfire Protection in Wildland Urban Interface" (C.S.F.S. #143-691). If more than one (1) dwelling is built on a lot, the Glenwood Springs Rural Fire Protection District, may impose additional requirements for roadway widths, grades and surfacing, and for additional water supply for fire flows." "Any individual sewage disposal system and foundation may have to be engineered due to soils constraints."

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."

"That both parcels are subject to an agreement with the Oak Meadows Homeowners Association regarding the maintenance of the private road accessing the property and trash removal."

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval. That the applicant shall submit

\$200.00 in School Impact Fees for the creation of one new exemption parcel.

The control of noxious weeds shall be the responsibility of the landowner.

Prior to the signing of an exemption plat, the applicant shall submit a copy of the formal binding contract with the Oak Meadows Homeowners Association regarding the road maintenance and trash removal agreements made in a written letter submitted as a part of the application.

PUBLIC HEARING TO ADOPT NUDE ENTERTAINMENT ORDINANCE

Kurt Steigleimer presented the Nude Entertainment Ordinance.

Kurt stated, the Board should have in front of it the version of the Ordinance as published for more than 10 days prior to this hearing. Proof of Publication was submitted. The Ordinance originally proposed to the Commissioners contained Section 1 and 2. Section 2 was "an emergency clause" that permits the Board to adopt this Ordinance and have it go into effect immediately upon adoption without waiting the Statutory 30 days. In the event that the Board does not want to proceed with the Ordinance as originally proposed and does not want to use the emergency clause, then *Kurt* stated he has prepared another Ordinance that does not contain that clause. In adopting this Ordinance the Commissioners should recall the testimonies from: Sheriff Dalessandri and Lt. Sears - in which they presented studies from 13 different American cities and the City of Colorado Springs, and the County of Adams as it cities secondary impacts sexual oriented business have.

The testimony of Lt. Sears as to the experience he has had with these establishments in Denver and the secondary impacts he experienced with them.

The testimony of Sheriff Dalessandri about the instance on March 16, the opening night of the Relay Station, showing the secondary impacts were occurring already.

The testimony of Mark Bean, the Planner that even with the imposition of the Ordinance and distance requirements, there would still be numerous locations within Garfield County for location of sexually oriented businesses as is required.

Some comments in general: The Ordinance is modeled after an Ordinance adopted and approved by Adams County and tested in the Colorado Springs Court. The only significant difference between this Ordinance and the one adopted in Adams County is the distance requirements. Adams County required 500 feet from schools, churches and residences measured boundary to boundary.

The Ordinance before the Commissioners as proposed states a limitation of 1000 ft. from schools, churches - boundary to boundary; and 750 ft. from residences - measured wall to wall. The reason for this is that land is very different in Garfield than in Adams County. Some residences are found on 10 - 15 acres of property and if you measured it in that fashion, there would be no property in Garfield County available to place this type of an establishment.

Discussion took place involving 1000 ft. from residences versus the 750 ft.

Kurt stated there must be a reasonable amount of property available to locate these entertainment places and remain Constitutional. There were 100 plus lots in Rifle; Parachute 236 lots; and 100 in the immediate area. If the Commissioners were to impose the 1000 ft., restriction as discussed they would be eliminating several lots, all in the west end of the County.

Discussion:

Chairman Smith - No. 6 wording - "shall be operated or maintained as outdoor classroom along the Roaring Fork so it should read 'even though vacant but owned by school or church' - whatever is deeded to the school district or church property."

Kurt - Eliminating the property in Carbondale and Glenwood may generate a problem. *Kurt* reminded the Commissioners that we are a County, and courts may look at this based on area - the Roaring Fork Valley. This could render it unconstitutional. *Kurt's* recommendation is that the Commissioners use the 750 feet. Other ordinances did use the 750 ft. limitation. The statute does not limit the amount of feet. The entertainment itself will move it away from kids.

Commissioner Mackley wanted clarification on paragraph 5, 1st sentence. 750 ft. from any residentially zoned dwelling sitting on residentially zoned property. *Kurt* mentioned this clarifies, qualifies and enhances the restriction.

Commissioner Arbaney - Nude Entertainment - can it go into commercially zoned property next door to where a resident lives?

Kurt suggested to define residentially zoned property.

Example by *Chairman Smith* - Feed store - commercially zoned - owner who decided to convert the empty property. If property was a nude entertainment, the entertainment could stay.

Kurt explained - in this instance, the property is not zoned residential. If the owner wants to live in his store, it still doesn't change the zoning, therefore, it is commercially zoned and the nude entertainment

could go in and/or stay, whichever the case may be. Kurt suggested we insert a definitional section on residential property to make clarifications.

Discussion:

Chairman Smith - No. 4 - hours of operation - is this in line with Adams County?

Kurt - yes, and this is what the courts upheld.

Commissioner Mackley suggested, change time from 5 P.M. - 1 A.M. as his concern is about school bus problems.

Commissioner Arbaney suggested to change it to 5:30 P.M. This rationale would allow parents to get home and avoid children to avoid conflict with this type of entertainment and with the school bus timed stop.

Commissioners agreed to 5:30 P.M. to 1 A.M.

Chairman Smith stated they do this with haul routes as well as liquor licenses, etc. to avoid conflict with school buses. Therefore, this is not being singled out.

Kurt called attention to paragraph 7. The 6 month amortization provided in this paragraph. This was held up in 72-50 Corporation Adams County, Colorado Supreme Court of Colorado.

Kurt - the 6-month minimum is the longest. He did not recommend a shorter time frame to impose. The gives the company time to amortize and anything shorter would be a new issue to be challenged.

Chairman Smith - on 8 and 9, "each day they are in violation, they would be subject to \$300 + \$300 + \$300 up to..." does the fine mean not to exceed? set by court?

Kurt - currently structured, the \$300 is for each day. So if you have a violation out there, say on hours; for each day they do this, it would be a separate violation. Kurt stated he would clarify that issue.

Chairman Smith - No limits imposed, but strictly follow the court guidelines.

Kurt stated the wording is a flat \$300 not up to it. Courts can say he suspends a portion of the fines.

However, he will clarify the violation by dates as to if the fine multiplies, is concurrently or consecutively.

Chairman Smith - No. 11 - is this consistent with other codes?

Kurt - yes. This is taken right out of both the statutes and the

Chairman Smith - Section 2, page 3 -is really limiting and suggested this should be taken out.

Commissioner Arbaney agreed.

Chairman Smith - the "emergency clause" - the words are "presently occurring" would leave the Commissioners open to challenge.

Commissioner Mackley - it would be detrimental to the long-term goal

Comments from the public:

Jimmy Deal - Ranch at Roaring Fork - Condo 108 - questioned if someone could park an RV behind the Relay Station and live in it for a year?

Mark Bean - responded - no.

Tamara Mattorano - 1164 106 County Road - question regarding a trailer behind Catherine's Store in relation to this issue brought up by Jimmy Deal.

Debbie Romanus - 125 Stagecoach Circle, Ranch at the Roaring Fork - commented 18 year olds are being let in at the Relay Station. Also addressed the secondary impacts she felt were affecting the area - increase in traffic flow, cruising through neighborhood, disregarding posted traffic sign, drinking, urinating in parking lots also, Cars coming, staying 5 minutes, leaving, coming, leaving, returning.

Chairman Smith asked if Debbie knew if they were stamping hands. She also questioned if the coverage charge included every time someone went in and out.

Debbie Romanus - This entire issue is getting real frustrating.

Kurt suggested the property owners can get together and move on this.....

Mary Ellis - 141 Stagecoach Circle, Ranch at Roaring Fork - wanted to ditto what Debbie Ramanos had stated. She has seen all that Debbie said and also individuals going from one-car to another.

A motion to continue the adoption of this Ordinance for a Public Hearing until April 18, 9:45 A.M. was made by Commissioner Arbaney and seconded by Commissioner Mackley. Carried.

CONTINUED PUBLIC HEARING ON APPLICATION TO CHANGE, ALTER OR MODIFY PREMISES INVOLVING CALA DE VIDA, INC. DBA RELAY STATION

Don DeFord and Charlie Willman were present.

A phone conference was held with Mr. Cummin's secretary and the Board of County Commissioners represented by Charlie Willman.

The date set with Mr. Cummin's secretary was for April 16 at 9:00 A.M.

ROAD AND BRIDGE

King Lloyd reported:

Midland Avenue

On Midland Avenue there is a possibility of the City annexing from the Racquet Club to the Mountain Market. Discussion was held to make the boundary at 117, south of entrance of 117 or go out to airport.

C-DOT - Forest Highway Funding Application for Buford Road

King submitted a draft copy of the application to DOT for highway funding for Buford Road.

He stated that Bob Moston was sent this letter and had responded to King that it was an adequate letter.

Prior to sending it officially, King wanted to have the Commissioners review the letter and provide input.

The road standards as set was included as an attachment for general information. The goal is to make roads safer than present.

Chairman Smith stated the 1994 traffic count should be included in this letter.

Commissioner Arbaney suggested to send a copy to the Regional Forestry in Denver, c/o of Elizabeth Estell.

King stated he was also going to include a map showing how Buford Road can be accessed from Rifle, New Castle or Silt. He will highlight the accesses. Also, King said he would include the standards as represented to him by Jack Infanger.

Energy Impact Grant

Last week, King stated he had met with Tim Sarno and discussed the County Road 320 improvements as well as going up Mamm Creek. Grant moneys can be used on resurfacing. 320 Road was broken out into 2 phases. The first phase is what King referred to as the Taughenbaugh Hill area just above Rifle Village South and up to the water treatment plant was determined as his first priority; and the 2nd part would be the western end of 320, the hill and switchback area. Then if there are any moneys left go to the 3rd area which is Mamm Creek.

U.S. West

King stated he had met with U.S. West last week and they are agreeable to coming back in and picking up those oversize big rocks that came out of the ditches when preparing them. They were in agreement that this was routine maintenance and should not have happened the way it did.

Occidental Equipment Sale

King said he had a call back from Glenn of Occidental handling the scales, and pending that we are in agreement with the walk through that they want us to do in the final phase of the purchase, they are willing to sell the scale and the tanks for \$10,500. The one thing King may have failed to mention on this walk through is they need material hauled in to put one foot of top soil over this site. This would mean having a truck available. It would affect the area by the scale house. The walk through will give the County an opportunity to go over Occidental's plans.

Landfill

Last week King and BLM completed the establishment of the corners for the landfill sale. It was quite an ordeal and a long day, but the areas were determined which are quite a sawtooth boundary. The reason for this is that BLM has discovered fossils all along the borders of the landfill.

King stated there is a potential of another problem, the 80 acres that lie South of Langstaff which was not included in the original proposal of the landfill back in 1983 appears that somehow the information did not get to the archeologist that the County was interested in this purchase. Now that the archeologist has learned this latest information, she expressed concerns. The old irrigation ditch that the County and BLM had discussions about, runs the full length of this 80 acres and since this project has brought this to her attention she has spent a great deal of time researching the area. At this time she feels it would be a shame for the County to do this landfill operation there. King's response was that if there were any problems, there was nothing in the file. At this point, more discussions are planned and no final decision has been made.

A road tour for the Eastern portion of the County was set for April 17th and for the Western end on April 18th at 8:00 A.M. with King and the Commissioners.

King submitted an agreement from National MRO RandomPro TM selection program which is issued to provide drug and alcohol testing coordination and confidentially in compliance with the Department of Transportation regulations set forth in 49 CFR Part 382.

A motion was made by Commissioner Arbaney to authorize the Chair to sign an RANDOMPRO Agreement Form specifically dealing with the Road and Bridge random drug and alcohol testing program. Chairman Smith clarified that Don DeFord had reviewed and confirmed signature was appropriate. Commissioner Mackley seconded the motion. Carried.

PUBLIC MEETING SB-35 SUBDIVISION EXEMPTION LOCATED ALONG CR130, WEST GLENWOOD APPLICANT: SHIRLEY ZANCANELLA TRUST

Eric McCafferty, Don DeFord and Tom Zancanella were present. Don determined that proper and adequate notification was given and advised the Commissioners to proceed.

Eric McCafferty presented:

This is an exemption from the definition of a subdivision on a 21 acre tract of land located north of County Road 130 in West Glenwood. The applicant proposes to subdivide, by exemption, the 21 acre tract into three (3) lots of 2.0, 2.0, and 17.0 acres each. The applicant indicates the lots would be developed as "vacation homes" for members of the family.

Recommendations:

Staff recommends APPROVAL of the application, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access, water supply or utilities.

That the applicant shall have 120 days to present a plat to the commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.

That the applicant shall submit \$200.00, in School Impact Fees for the creation of the exemption parcel.

That the following plat notes be included:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The Methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."
"Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."
"No further divisions by exemption from definition of subdivision will be allowed."

The control of noxious weeds shall be the responsibility of the landowner.

The applicant shall receive any necessary driveway permits, for the exemption parcels, from the County Road and Bridge Department, prior to signing of an exemption plat.

Prior to final approval by the Board, the applicant shall demonstrate that the City of Glenwood Springs has given its consent and final approval to supply water to the exemption parcels. This may be done by submitting a letter from the City indicating the applicant has met any and all conditions of approval the City may have.

Ray Kinder of 1651 County Road 130, Glenwood Spgs. was present as a neighbor but not to protest.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve an exemption from the definition of subdivision for Shirley Zancanella Family Trust as described in the staff packet with all major issues and concerns, suggesting findings, and recommendations. Carried.

PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 2 MILES EAST OF SILT IN PEACH VALLEY APPLICANT: DON AND BARBARA CHAPLIN

Mark Bean, Don DeFord, Don and Barbara Chaplin were present. Don determined that adequate and proper notification was complete and advised the Commissioners to proceed.

Mark Bean presented: This is a request for an exemption from the definition of subdivision on a 78 acre tract of land located approximately two (2) miles east of Silt along County Road 214 in Peach Valley. The applicant proposes to divide, by exemption, the 78 acre tract into four (4) parcels of approximately 10, 20, 21, and 26 acres. Lot 1, the 10 acre parcel, would contain the existing residence, barn and water well and the remaining parcels are currently devoid of any improvements.

Recommendations:

Based on the analysis performed by the staff and Planning Commission, staff recommends APPROVAL of the application, pursuant to the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access, water supply or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00, per lot (\$600.00 total), in school impact fees for the creation of all exemption parcels.
5. That the following plat notes be included:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."

"Portions of this exemption were approved based on the use of a central well and shared water system. There is no assumption that a household use only well will be a dependable water supply. Any purchaser of a parcel of land that was created by this exemption reserves the right to use the proposed central water supply, specifically Lots 2, 3, or 4."

"It is recommended, not required, that the shared well system (Lots 2, 3, and 4) approved for this exemption should have either an individual water storage tank, minimum capacity of 1000 gallons, be installed at each lot or a central storage tank, the sizing shall be a minimum of 1000 gallons per lot created and served by the central water system. This should be done at time of building permit application at the expense of the building permit applicant."

"There shall be no residential construction allowed within the areas identified as "drainage easement" on this plat.

"Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."

"There shall be no additional splits by exemption on any lot created by the approval of this exemption."

"All access easements and driveways shall be less than 14% grade."

"That all utilities shall be placed underground."

6. The control of noxious weeds shall be the responsibility of the landowner.
7. That, if the water supply is to be shared, the applicant shall demonstrate that an adequate supply in both quantity and quality exists for the lots to be created. Criteria for demonstrating the quality, quantity and dependability of a well or a shared well system:
 - a) The well be drilled and a 4 hour pump test shall be performed;
 - b) The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
 - c) The results of the 4 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
 - d) A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
 - e) An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
 - f) If the well is to be shared, the provision for individual water storage tanks of no less than 1000 gallons for each proposed lot (should be considered at time of building permit application);
 - g) A discussion of the mechanical components of the shared well system to include the pump, water supply line, storage tank and other components (for shared well systems);
 - h) A legal, well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made (for shared well systems);
 - i) The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.
8. That the access road shall be constructed in a manner to positively manage the expected stormwater flows across the property and ensure that there is no material change in the drainage characteristics of the surrounding area, especially Peach Valley Road. Furthermore, the applicant shall consult with Road and Bridge to determine the best and safest alignment of the access road.

Don Chapman stated they own 13 shares on the Roseman Ditch and suggested they could, as current owners, create a plan for the eventually ownership of those 13 shares after the property split to avoid fights on the ditch. He suggested this be a part of the conditions. And in addition to this application, he read a letter written by Don and Barbara Chapman to the Commissioners into the record which thanked the Commissioners for their endeavors in reviewing the application and committed the continual cooperation of the Chapmans involving this exemption process. Don Chapman also discussed a flash rainstorm a few years ago that involved the drainage that cut through the left corner of part of his property. The 30 foot

wide flow of water took out a flume and expressed his concern of the water flow. He stated in his opinion the culvert is inadequate - how do they address this issue, the culvert being on a county road? Commissioner Arbaney stated he could get with King and address these concerns. He further stated these are things you know are going to happen and you cannot mitigate this, all you can do is clean it up afterward.

A motion was made by Commissioner Arbaney to approve the Subdivision Exemption for Don and Barbara Chaplin as described in the staff packet with all major concerns and findings, and recommendations as will be revised for No. 5, paragraph 4 and No. 7 (f). Motion was seconded by Commissioner Mackley. Carried.

Executive Session - Nude Entertainment Ordinance

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session to discuss the Nude Entertainment Ordinance. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session. Carried.

Liquor Board

Kurt Stiegelmeier and Charlie Willman were present.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into the Liquor Licensing Board. Carried.

A personal phone conference was held with Mr. Richard Cummins and the date set. Mr. Willman advised Mr. Cummins that public comment had been taken previously and that Mr. Cummins should be ready to go forward with his case at the new scheduled time.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to schedule the Continued Public Hearing on the Application to Change, Alter or Modify Premises involving Cala De Vida, Inc. DBA Relay Station for Monday, April 22, 1996 at 8:30 A.M.. Carried.

A motion was made by Commissioner Arbaney to come out of Liquor Board. Commissioner Mackley seconded the motion. Carried.

PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 4 MILES NORTH OF NEW CASTLE APPLICANT: PAUL AND LYDIA GIPSON

Mark Bean, Don DeFord, Paul and Lydia Gipson were present. Don determined the appropriate property owners were notified.

Mark Bean presented: This is an exemption from the definition of a subdivision on a 10.06 acre tract of land located approximately two (2) miles north of the Town of New Castle, on the east side of County Road 241 (East Elk Creek). The applicants propose to divide, by exemption, the 10.06 acre tract into two (2) parcels of 4.21 and 5.85 acres each.

Recommendations:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access, water supply and/or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00, in school impact fees for the creation of the exemption parcel.

5. That the following plat notes be included:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."

"This exemption was approved based on the use of a central well and shared water system. There is no assumption that a household use only well will be a dependable water supply. Any purchaser of a parcel of land that was created by this exemption reserves the right to use the proposed central water supply."

"It is recommended that the shared well system approved for this exemption should have either an individual water storage tank, minimum capacity of 1000 gallons, be installed at each lot or a central storage tank, the sizing should be a minimum of 1000 gallons per lot created and served by the central water system. This should be done at time of building permit application at the expense of the building permit applicant."

"Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."

6. The control of noxious weeds shall be the responsibility of the landowner.
7. That, if the water supply is to be shared, the applicant shall demonstrate that an adequate supply in both quantity and quality exists for the lots to be created. Criteria for demonstrating the quality, quantity and dependability of a well or a shared well system:
- a) A 4 hour pump test shall be performed on the existing well;
 - b) The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level (if this report exists);
 - c) The results of the 4 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
 - d) A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
 - e) An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
 - f) If the well is to be shared, the provision for individual water storage tanks of no less than 1000 gallons for each proposed lot (should be considered at time of building permit application);
 - g) A discussion of the mechanical components of the shared well system to include the pump, water supply line, storage tank and other components (for shared well systems);
 - h) A legal, well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made (for shared well systems);

- i) The water quality be tested by an independent testing laboratory and meet State guidelines concerning bacteria and nitrates.

A motion was made by Commissioner Mackley to approve an exemption from the definition of subdivision for Paul and Lydia Gipson splitting the 10.06 acre tract in two (2) parcels, with all major issues and concerns, suggested findings, and recommendations as modified in No. 5 and 7 concerning the 5 gal tank. Carried.

PUBLIC HEARING - SPECIAL USE PERMIT FOR AGRICULTURAL RELATED BUSINESS - LOCATED ADJACENT TO THE EAST SIDE OF RIFLE OFF OF WHITERIVER AVENUE
APPLICANT: JOSEPH AND EMILY VARANI

Mark Bean, Don DeFord and Joe Varani were present. Don determined adequate notices were filed. Mark presented: This is for a special use permit for an agricultural related business-meat processing on a tract of land located on the east side of Rifle off of White River Avenue, near the confluence of Government and Rifle Creeks. The applicant has requested to process domestic and wild game meat in an attached building 45 ft. by 33 ft.

Recommendations:

Staff would suggest a continuance of the application to a date certain, at least (3) months from this date, to allow the applicant to hire an engineer to design an ISDS to be reviewed by the State Department of Health for compliance with the ground water discharge permit requirements and to acquire the permit.

Additionally, the applicant needs to provide more information demonstrating that there is a legally sufficient amount of water for the project and a better site application showing the property elevations and relationship to the Floodplain.

Joe Varani stated he was somewhat confused as to the problem with this application. However, he was willing to agree to this extension. There is some discussion about Rifle annexing his property which is a concern to him.

Dave Ling, 1526 East Street, Rifle - The Mayor of Rifle - stated he has not seen all the paperwork on this application. He stated the City of Rifle was not planning to annex the total area in the very near future, however he felt Mr. Varani should pursue possible annexing of the property in question.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to continue this Public Hearing until May 13, 1996 at 3:15 P.M. in order to speak to the State Dept. of Health. Carried.

County Business

Don handed out a draft of a letter to the City of Glenwood Springs. The Commissioners gave their approval.

PUBLIC HEARING - SPECIAL USE PERMIT FOR FLOODPLAIN ACTIVITY TO ALL PORTIONS OF FLOODPLAIN APPLICANT: ASPEN GLEN GOLF CO.

Mark Bean, Don DeFord, Larry Green, Lewis Meyer and George Handland were present. Don determined the property owners were notified and adequate notification was given.

Mark Bean presented: This is a Floodplain special use permit for fill in the Roaring Fork River Floodplain located between Carbondale and Glenwood Springs, within the Aspen Glen PUD. The Corps have responded to the applicant's letter and stated that they agree that the activities will not occur "within areas defined as jurisdictional waters of the United States."

Recommendations:

Staff recommends approval of the Floodplain S.U.P. with the following conditions:

All representations of the applicant, either contained in the application or stated in the public meetings, shall be considered conditions of approval unless otherwise stated.

That the applicant's engineer certify in a letter, after completion of the proposed fill placement, that the construction was completed in accordance with all representations made in the application.

Larry Green added to this presentation by showing a visual of the area in question and pointed out exactly what the Special Use Permit entails. He added he had a problem with the language of the staff's No. 2 recommendation because of the certification required on a practical basis. He does not have a problem

certifying that the spring as constructed will satisfy the 0.00 flood elevation. This is mainly due to the fact that Larry or Lewis do not have knowledge of a golf course architecture so the sketches are just like globs that were put in to satisfy the computer. The golf course architect will actually get down and shape and read just the "glob" within the required FEMA 0.00 rise in the base flood, but this is the certification they do not want to commit too.

Larry requested that be changed. Mark read into the record how the change will read as follows: No. 2 " that the applicant certify in a letter, after completion of the proposed filled placement. that the construction was completed in accordance with the 0.00 foot flood elevation increase allowed by regulation.

A motion was made by Commissioner Arbaney to close the Public Hearing. Commissioner Mackley seconded the motion. Carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve the Special Use Permit for Floodplain activity for Aspen Glen Company as described within the staff packet with the major issues and concerns, suggested findings and recommendation of staff utilizing the change in condition no. 2 to replace with the 0.00 flood elevation. Carried.

CONTINUED PUBLIC MEETING - SUBDIVISION EXEMPTION, LOCATED APPROXIMATELY ONE-HALF (1/2) MILE NORTHEAST OF SILT APPLICANT; NORMAN AND CHERYL CHANDLER

Mark Bean, Don DeFord, Norman and Cheryl Chandler were present.

Mark presented that this Public Hearing was continued to address the access issue only. The applicants have provided documentation regarding an access off of Grand Avenue in the Town of Silt for three of the lots and an easement through the Heavenly View subdivision for the other lot. The access off of Grand Avenue is a historic access to the mesa above the town. The Town of Silt has noted that they want to limit the access from the mesa to the historic users of the access due to concerns about traffic congestion in the area. The deeds to the land were submitted.

Don DeFord stated the deeds do not help much. If it is an unrestricted easement it's available for anyone to use. However, it is not described by terms of the easement in the deed; it is just not clear.

Karen Sloat, Attorney for the Town of Silt, submitted permits to the Commissioners for review.

Jim Yale, Silt Administrator/Treasurer was present.

A motion was made by Commissioner Arbaney to approve an exemption from the definition of a subdivision for Norman and Cheryl Chandler as described in the staff packet, with all major issues and concerns, suggested findings, and recommendations changing the wording in No. 1 (6) to read "1000 gallons for each proposed lot is recommended " and adding that "an agreement signed between the Town of Silt and the applicant regarding the use of the access easement until a road is built to replace the easement, be submitted prior to the signing of an exemption plat." Motion was seconded by Commissioner Mackley. Carried

Executive Session - Midland Avenue

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session to discuss the Glenwood Springs annexation of the portion of Midland Avenue. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session. Carried.

DISCUSSION ON JOLLEY/RIPPY DEVELOPMENT

King Lloyd, Don DeFord, Jeff Simonson, Kent Jolley, and Gregg Rippy of Jolly/Rippy Development were present.

Jeff Simonson presented: This discussion is in connection with some property that affects the development proposed by the Jolley/Rippy Development Company which requires some rock fall berm to be placed on County right-of-way road on Midland Avenue which was placed as a condition through the City of Glenwood Springs Planning Commission and accepted by the Development Company.

Discussion included: A suggestion to solve the problem was an interim maintenance agreement for that section of road while annexation is underway.

Don suggested applying for a right of way use permit. King would have to attach the conditions.

The County could make this a condition or approach the City first.

Kent stated he is in favor of approaching the City first and obtaining a letter of intent.

Don is hopeful of having a solution in hand other than annexation that will work. This is the reason *Don* is suggesting to go through the permit process because then if the City turns down the maintenance agreement we have a framework to bring it back and look at other solutions.

Chairman Smith - stated in fairness to Greg and Kent, let them go and see what kind of a response they receive from the City.

Don - questioned if the development must be carried out according to the exact way it was approved.

Greg stated he believes it does. Not to the development process but to the engineering department. They take the blame in accepting this regarding the rock fall berm and the County right-of-way.

Don stated the county would have to have some type of bond requirement or security arrangement so the County could maintain what they put in the County right-of-way and there's the liability issue from *Don's* perspective also. This would be some type of indemnification.

All agreed that it would be best for the Jolley/Rippy Development staff to approach the City first and see if they are in agreement to annex this portion of Midland Avenue. If not, then come back to the Commissioners and take it from that point.

Adjournment

A motion to adjourn was made by Commissioner Arbaney and seconded by Commissioner Mackley.
Carried.

APRIL 22, 1996
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIOERS
GARFIELD COUNTY, COLORADO

The continued meeting of the Board of County Commissioners began at 8:30 A.M. on Monday, April 22, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: Mildred Alsdorf, Clerk and Recorder, Assistant County Attorney Kurt Stiegelmeier, Attorney Charles Willman, and Attorney Richard Cummins.

OPEN

The meeting was called to order at 8:37 A.M. by Chairman Smith

CONTINUED PUBLIC HEARING - APPLICATION TO REQUEST CHANGE, ALTER OR MODIFY PREMISES

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into the Liquor License Board. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioners Mackley that they felt all issues should come before this Board; carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to consider public comment in context with 106.2; carried.

A motion was made to come out of the Liquor Enforcement Board by Commissioner Arbaney and seconded by Commissioner Mackley; carried.

May 14th at 4:30 P.M. was set for consideration of the Corporate Change Request and Change of Managers.

Attest:

Chairman of the Board

MAY 6, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 6, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present was: County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:03 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report.

Fairground Contracts

Fairground contracts were presented for signatures by the Chair. He explained these were: Northwest Colorado High School Rodeo Club; Kenny Latham; Rifle Wranglers 4-H Club; Garfield County Little Britches Rodeo; and Rifle Rendevous.

A motion was made by Commissioner Mackley to authorize the Chair to sign the contracts as presented by Chuck and listed above for the Fairground use. The motion was seconded by Commissioner Arbaney. Carried.

Veterans Memorial Park

Chuck will continue to work with Hoffmeister and Chamberlain and keep the Commissioners informed.

Journal Entries

Journal entries for March were presented.

Fairgrounds

Chuck reported some additional bids have been received for the re-construction of the gate. The bid proposals were sent to all the masons listed in the yellow pages. To date Chuck has had some calls for specifications.

The painting bid will be put out in the summer and held off for the painting for the Fall. This will include the bleachers. The time it will take was estimated at approximately one week with an adequate crew. The fiberglass seats take a special kind of paint. It will also include light scaffolding. The money to cover this cost will come from the conservation trust fund.

TV

John Dady - Pitkin County Translator - asked if there was a Garfield County group that would be pushing this issue on the November ballot. John felt that if there was no local support it wouldn't go very far. Chuck asked if the Commissioners were interested in forming a group for support. Kathy Smith was suggested as a resource person to contact to see if she was interested in forming a local group to push it.

New Castle Fire District Plan

Chuck stated he would talk a little more to Mark on the New Castle Fire District Amended Service Plan. There is a procedure and statute they have to go through and it is complex. Ross Talbott has made every effort to get this straightened out so Chairman Smith wanted to accommodate them as much as possible. She also felt they wanted to pull the ambulance into the plan and Ross Talbott would be the person to contact. Chuck will look into this and report back.

Roaring Fork Forum

Chuck stated he had received correspondence from the Roaring Fork Forum. There is another meeting on the 23rd of May. Chairman Smith stated she may not be able to attend the meeting. The Denver/Rio Grand Right of Way is one topic of discussion.

Transportation Commission Meeting

Chuck stated there was a Transportation Commission meeting on May 22nd. This meeting was to be held in Denver. Chuck requested direction and input from the Commissioners, such as writing a letter or having someone go to the meeting. Chuck had given King a copy of the letter and the Commissioner stated King may want to attend this meeting.

Aspen Crystal River Estates and TeKeKi

Chuck requested future direction regarding Aspen Crystal River Estates and TeKeKi. A couple of different offers have been given and Chuck stated Constantine had requested to purchase all of this property. Jim Parker has been researching this property as well. This is a County owned parcel and it will require advertisement. Chuck suggested a possibility of merging these parcels.

Umtra Closings

Chuck reported he had received a phone call announcing that on June 20th they will be having the Umtra closing ceremonies. They will start at 10 A.M. and go until 2:00 P.M. and provide a lunch.

Stillwater Hearings

Chuck will be at the Stillwater Hearing on Tuesday and will be representing the airport.

Ambulance and EMT

Chuck informed the Board that he was having a problem getting ambulances and EMTs at functions such as at the High School and Rodeos at the Fairgrounds. Chuck stated he may have to resort to unconventional means to get this coverage. The Rodeo's have been providing contributions for having the EMT's available. Chuck will make sure the appropriate persons know that they are donating. The ambulance is another issue. They usually charge \$40 per hour so Chuck is looking into other areas.

Bills

Chuck presented the bills and payroll for second run for April, 1996.

A motion was made by Commissioner and seconded by Commissioner to accept the bills, second run and payroll for April 1996. Carried.

Human Services

Margaret Long was requested to respond to a letter the Commissioners has received regarding a substance abuser who had a loaded gun in the bathroom. Margaret had written a letter and commented the Commissioners may hear from the Governor's office in regard to this.

JAIL DISCUSSION

Sheriff Tom Delassandri, Operations Dale Hancock, Jail Advisory Board Al Maggard, and Dave Sturges were present.

Jail Count

106 Total. 43 major jail; 13 other jails; 3 home detention; no day reporting; 2 State Hospital; no DOC; 37 work release; 8 females.

Two (2) inmates have been in Rio Blanco for about two weeks.

Don DeFord - reported that Dubofsky had concerns about the placement in other jails, therefore, the areas where these are being housed were listed - Boulder, Rio Blanco mainly and very few on the Western Slope as they are not able to take them.

Tom stated the cost is \$650 per day to house these inmates but they will bring them back as soon as they can.

Air-conditioning Vent Cleaning

Tom reported he had received a second bid on the cleaning of vents of the air-conditioning system. The coating of the air-conditioning was a concern and suggested that Rich be involved in the cleaning process. Rich reported at least portions were coated. The lack of cleaning was attributed to the inefficiency of the system last summer.

Kitchen Equipment

Tom reported he did buy some pieces of used kitchen equipment - two stainless steam tables and some stock pots.

Dale stated he has \$150,000 inventory in the budget for the new jail.

Tom added for the present he is storing these items in the cage in the storage in the basement.

Work Crews

Chairman Smith stated they wanted to discuss work crews with King and Tom.

Tom stated he will be putting out a County-wide memo explaining that work release inmates are available as long as they are equipped the same as other workers. The inmates will need to be supervised and he suggested to either hire a person or have a volunteer. This person would be in charge of shuttling these inmates.

Dale stated he has just about enough money to hire a full time person but he also has in mind for this person to handle other functions as well. He hasn't advertised. Dale stated his department as well as Tom's would provide the training. A focus on behavior, common sense guidelines as well as security and inter-office handling are some of the training necessary for whomever is in charge of this work crew.

Chuck stated the Fairgrounds are in need of some help.

Tom stated having vehicles to transport the inmates was an issue. Available vans were a major discussion.

Chuck will have Mike look into this.

Tom stated that tools should be supplied by the ones requesting the work release inmates.

Commissioner Mackley stated the Fairgrounds and Road and Bridge are the two areas that he sees fitting the criteria for this work release crew.

Tom wants to see some heavy duty work and suggested one area would be to work at the County Landfill. He stated for the Judges to buy into this program, it will require a heavy duty work program; suggestions such as to clean the culverts for Road and Bridge. Tom suggested some medical bills might go down if the inmates were out working.

COUNTY ATTORNEY

Stillwater

Don DeFord reported that sometime today the Board, King, Chuck, and he needed to discuss the annexation proposal on Stillwater. Don has a proposed agreement. Road maintenance and law enforcement are two issues.

Chairman Smith stated this can be scheduled for 10:30 A.M. today.

Jail Site

Don called attention to the Agenda and added there should be an Item scheduled for 5:30 P.M. to discuss the City Planning and Zoning Decision on the Jail Site. The City did provide the details of the minutes of their meeting. One concern was the women's facility and that the County had not complied with the "open meetings act."

Chairman Smith stated this should probably be scheduled for 12:15 P.M. on the 13th of May Agenda.

Sweetwater

Chairman Smith inquired of Don regarding the letter from Gallegos on the Sweetwater issue.

Don stated he had not contacted King. Don will talk to King and Mr. Gallegos.

More....Inmate Work Crews

Tom reviewed with Don the conversation earlier regarding the possibility of using inmate work crews.

King Lloyd was also present for the discussion on these work release crews and had some input into how they can be used by the Road and Bridge crew to help with some of the tasks creating a demand for workers.

Tom suggested safety and appropriate supervision was in place. King added the transportation issue was a major concern for him. Tom added the transportation was being worked on although that had not been settled.

Chairman Smith suggested a small school bus. Colorado Properties was also mentioned as an outlet. Possibly co-op on transportation.

It was decided that Tom, Dale, and King should sit down and work on this issue.

Commissioner Arbaney suggested using creativity to design some work. The bus was a good suggestion.

Tom suggested the Bus might be used to haul inmates around to other jails unless this issue gets resolved.

Jail Update

Dale reported on the jail project. Reily/Johnson will complete the limited design development the County commissioned with them by the end of this week. George and Dale had met last week and suggested the Commissioners commission Reily/Johnson be contracted to complete the design development going right up to construction documents. The first phase should be completed by May 24th. When they get this finished that information goes to URS for review consistent with budget considerations and then URS consistent with their request to review with Commissioner on June 3rd, discussing where we are financially and make the decision if construction documents should be generated on the current position on the jail at that time. A meeting was scheduled for noon on June 3rd. Limited design - Dale stated a sum total of \$33,000 has already been spent so he needed clarification as to whether or not to commission Design Development for an additional \$49,800 to finish? The design development will be completed by May 24th. Don added, the dollar amount issue will be handled in Executive Session.

Chairman Smith stated the Board will be getting back to Dale after they have discussed this with Don in an Executive Session.

Jail Discussion

The Jail discussion for 5:30 P.M. did not get advertised, however, Don stated there was a newspaper article that had mentioned this topic. It was decided to make the announcement at 5:00 P.M. the time stated on the agenda.

A motion was made to reset May 15th for the jail discussion at 5:30 P.M. on the Agenda by Commissioner Arbaney and seconded by Commissioner Mackley. Motion carried.

Dale mentioned for the record there was one other thing related to the jail project. This is the discussion earlier in regard to doing preliminary estimates on mitigation costs that might be incurred if the County did go to the Chatfield property. Dale had some discussions with C-DOT and the followed up with the State Geologist Office and his counsel would be to ask for a land use review by that office where they will look at the Geotechnical report provided to the County by Hepworth-Pawlak and High County Engineering and that would include giving an estimate with regard to the cost for mitigation. The cost will be between \$500 and \$1000 to provide this report. Thus far this Chatfield site is the only one Dale has to submit for review.

Jail Advisory

Al Maggard reported the Jail Advisory Committee was meeting at noon on Thursday, May 9, 1996. Commissioner Arbaney stated he would be present.

Al mentioned the Jail Advisory Committee would be going to the State Board Meeting in Montrose on May 17th and 18th (Friday and Saturday) and invited the Commissioners.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

John Van Telygen submitted a letter written regarding property boundaries in Rifle associated with the Fairgrounds. He stated a surveyor was there on Friday. Chuck, Mark and he had spoken about this before. He understand how this happened. There is a jog and some of his building may be on County property. However, the surveys are varied and these will have to be resolved. The fence line is of concern. John stated he had informal and verbal conversations with past Commissioners. Chuck suggested reconciling the surveys' disputes since this is regarding the potential for physical improvement; he projected to do a boundary line adjustment. If there were no physical improvements at issue, then Chuck stated he would not be recommending this as an option. However the possibility, in view of the fact of past arrangement with other Commissioner, Don's legal expertise will be needed. Chuck added he did not want to set a precedent

for the back parcel. County Surveyor Sam Phelps first arrive at a surveyed agreement. In connection with a request that Don DeFord had, John Van Telygen drew a diagram on the board illustrating where the dispute lay. John's building is not on County property but is encroaching on the land. There is a bank and the property would be useless for the county. A fence by the County would prohibit any access to the back of John's building. A retaining wall was built by John. He had to give a 7 1/2 foot setback. John is requested 6 feet of County land. Commissioner Arbaney stated he wants to maintain access to County property. The plat was also reviewed. John also has a legal description he obtained in 1967 from the County. John's dad bought the property from the Gores. The Commissioners committed to getting this straightened out.

Chairman Smith stated until the surveyor brings back their report, the Commissioner cannot do anything. They assured John that they would consider these issues in their decisions and that nothing would be done on the fence line in that area until this was resolved.

COUNTY BUSINESS - EMPLOYEE OF THE MONTH

Jay Buchanan was awarded the Employee of the Month.

DEPARTMENT HEADS

Building and Planning

Part-time Inspector

Mark Bean reported his department had somewhere around 150 inspection to do. A suggestion was to hire a semi-retired person as a part-timer to call upon when they have real busy days. Perks require 2 hours each - permit fees are above 1994 so he feels his budget will support this addition of staff. The wages will be offset by revenues. At the present, Mark doesn't believe this will be a full-time person. Chuck requested projected hours to be submitted as the only thing he needed.

Billie Birchfield Evans Extension

A request from Billie Birchfield Evans for SB 35 Exemption Approval for a 60 days extension which would put this to July 1, 1996.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve this extension. Carried.

Susie Cavato's Extension

A request from Susie Cavato was requesting a 4 month extension of time. Mark added she is within her year. Mark proposed moving this to the September 3rd Agenda.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve this extension. Carried.

Anthony J. Zelenka Extension

An 3 month extension for plat approval was requested by Anthony J. Zelenka. Sam Phelps needs to review this plat and the County Surveyors have been backlogged. Mark suggested this be extended to August 1.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve this extension. Carried.

Boyd's Extension

Mark stated the Boyd's deadline in technically May 12th. Apparently that have all the negotiations, the plat is completed, Mark has seen the plat, but Mrs. Boyd doesn't want to just submit a plat to meet the deadline because there are still negotiations with attorney's. The litigation has been settled, mortgage companies need to agree to some things, and individuals have to sign off. She is requesting (this is property across from the Ranch at Roaring Fork involving a land-swap eliminating an exemption; the Boyds are getting water rights) an extension of another 60 days to July 15th.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve this extension. Carried.

Date Sharing Agreement/BLM

Mark reported the additional information for the geographical system from BLM is needing the County to agree with them on some things and a reciprocal situation is what it amounts to which is no problem to Mark. BLM has requested the County enter into a Data Sharing Agreement. Mark stated that Don has reviewed the document and now Mark is requesting the Chair to sign this Data Sharing Agreement.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign this Data Sharing Agreement and then Mark will obtain the appropriate signatures by the District Manager of BLM. Motion carried.

Dakota Partners

Mark presented a request for release of acknowledgment of satisfaction for Subdivision Agreement for Dakota Partners for the single family section. Mark stated this is for \$239,395.55.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to sign the total release of that portion for Dakota Partners. Carried.

Floodplain Special Use Permit - Aspen Glen Partners

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a Resolution concerned with the approval of a Floodplain Special Use Permit Application for Aspen Glen Golf Partners. Carried.

AMENDED PRELIMINARY PLAN - CEDARS PUD APPLICANT: RICHARD JOLLEY

Mark Bean reported Richard Jolley had proposed to add two lots. However, when the road was put in there needed to be a property line 90 degree adjustment. Mark stated this changed a lot line but the Chairman needed to authorize at a public meeting.

A motion was made by Commissioner Arbaney to authorize the Chair to sign an amended preliminary plan for applicant Richard Jolley to grant Lots 2 and 3 of the Cedars PUD, showing essentially a 90 degree movement of lots before they plat. Commissioner Mackley seconded; carried.

Uniform Fire Code

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a Resolution ratifying the adoption of the Uniform Fire Code by The Glenwood Springs Rural Fire Protection District. Carried.

Burning Mountain Fire Service Plan

Mark reported that Chuck was working with Ross Talbott on an amended service plan. Mark stated they first needed a service plan. Mark and Chuck will discuss and call Ross. Basically Mark says there is some expense to redevelop the service plan and there is a process. Mark stated he can site these. Chairman Smith added the Burning Mountain Fire District now involves both New Castle and Silt. Some others may need to be involved.

Mark added this is to be a public document; a capitol improvement program. The statutes require certain things spelled out with dollars programmed in.

Chairman Smith stated she will call Ross and inform him it is not cut and dried and inform him Mark is putting this together as well as what things need to be done prior to the Commissioners looking at it.

Extension Office

Carol McNeal of the Extension Office reported they had processed 71 Horticulture calls. She had to assure one lady that termites do live at this altitude. Carol said she told them to say yes in November.

Carol said she is looking for a secretary again and plans to interview applications on May 20th.

The Board informed Carol she would be moving into the front section of Social Services in the very near future

Carol stated she has a Council Officers and Livestock Steering Committee meeting this week.

Enrollment is messed up and Carol is working on this.

Carol and Holly are working together.

Chairman Smith stated she is backing away from a previous position.

County Attorney

Negotiations - Stillwater

Don DeFord reported that he had gone over the agreements and general provisions for the Stillwater proposal. The County has been named as the insured and the County will be accountable for snow removal only until the final plat or 15 years, whichever comes first. Eventually, snow removal will go to the City but will be under the County until phase No.12 occurs then the City will take over, or 15 years from the date of agreement. The 12th phase is when the City will start using the road. Don stated that it is a compromise, but a fair one. Don further stated, this is for any purpose, including construction trucks going from the gravel pit going West. All will be annexed but the County will provide snow removal after these roads are annexed. The filing of plat and the CO are the two triggers of switchover. Law enforcement falls immediately to the Town of Silt on finalization of annexation; this is by operation of the law not by agreement. The County will sign off on the annexed land. Easements from the Airport are not included. These will be either plat notes or annexation from the Airport Authority. A Navigation easement was discussed. This would alert home buyers that the airport does have a right to excess and the homeowners are not going to sue because of noise. Chairman Smith felt that this must be in the report.

Jim Yale gave a timetable - May 13 is the desired date for construction of the golf course. The map was discussed in line with airport airspace noise. Discussion was held as to this being either a plat note or a deeper notice. Chuck wants the most he can get. Don suggested in this agreement as far as part of this approval for subdivision, the town would require a plat note to purchasers stating there is air noise and visual impacts from the Garfield Airport and also require that at time of transfer the developer notify this in writing to the purchasers of property.

Regarding the Noise Ordinance in Silt, Chairman Smith stated she wants to make sure this does not affect the Garfield Airport. Jim Yale stated he did not think the airport noise would be a problem but agreed to check into it and report back.

PUBLIC HEARING - ABATEMENT APPLICANT: MYRON BLACK

Assessor Steve Rippy, County Attorney Don DeFord, Chuck Deschenes, Walter Marion and Sean McCort also of the Assessor's office were present.

Steve reported: This is for property off of 13th Street in Silt. Mr. Black owns the warehouse with liquor store and ceramics between 6th and 4th Streets. Steve stated, originally the conversation was around the 35 acres of land being changed to agricultural. The assessor's records never indicated it was agricultural. However, Mr. Black stated he requested the agricultural status when he purchased it in Feb. 95 and therefore asked for an abatement. Steve has done research and gave Mr. Black a agricultural form. Mr. Black would not let an appraiser measure the house. Steve stated the blueprint and the actual land do not match - the layout is different than the blueprint. Steve mentioned they are willing to review it, and that prior to Mr. Brown, Mr. McCune had an orchard. Today, Steve reported the land has been tilled. Steve would not oppose to reviewing the property over the next two years under the agricultural regulations. However, Black is not cooperating with Steve. Therefore, Steve stated his department did not have any basis on which to grant an abatement. Consequently, the Assessor's Office would have to deny the abatement request. The property is listed under Francis Jean Black.

A motion was made to close the Public Hearing by Commissioner Arbaney and seconded by Commissioner Mackley. Carried.

A motion was made by Commissioner Arbaney to deny Francis Jean Black for a request for agricultural statutes on a piece of property located off of Hwy. 13 north of Rifle. Commissioner Mackley seconded the motion. Discussion. Exhibit A was admitted into the record. Steve will put in the valuations. However, Steve reported he never did have any dollar amounts and there was no way to obtain this information. When someone voices a strong opposition to come on their land Steve has not way other way to measure the boundary lines. Motion carried.

County Administrator

Veterans Officer -

Chuck reported he had requested to start someone to work in the Veterans Office by June 1, 1996 at \$9.00 per hour. He estimated 2 days a week or 16 hours per week with no benefits. Requested this person begin work on the Veterans staff by June 1, 1996 at \$9.00 per hour with no other benefits besides FICA. Chairman Smith suggested a retired person; that Chuck could call the Delta staff person, Gordon O'Brien. Suggested this did not need to be a full-time position. Chairman Smith suggested Chuck obtain some tentative salary numbers and bring it back to the Commissioners.

Bills

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign the resolution to pay the bills and payroll. Carried.

(CONTINUED) PUBLIC HEARING - PLANNED UNIT DEVELOPMENT MODIFICATION TO THE LOS AMIGOS PUD TEST AND PLAN MAP, LOCATED APPROXIMATELY 2 MILES SE OF GLENWOOD SPRINGS OFF COUNTY ROAD 114 APPLICANT: LOS AMIGOS RANCH PARTNERSHIP

Mark Bean, King Lloyd, Don DeFord, Dean Gordon, and Larry Green were present.

A letter was presented and reviewed by Dean Gordon regarding County Road 114 and the Road Impact Fees. The report was discussed fully.

Mark presented the project information and staff comments. This is a Planned Unit Development (PUD) Modification to the Los Amigos PUD test and plan map for a parcel of land located in portions of sections of a tract of land located approximately two (2) miles southeast of Glenwood Springs off of County Road 114.

Recommendations:

On March 13, 1996, the Planning Commission recommended APPROVAL of the requested modification of the Los Amigos PUD, subject to the following conditions:

That additional information be provided regarding the proposed use of ISDS versus central sewage disposal for the large single family lots.

A more definitive phasing plan, that starts the phasing within one year of approval of the PUD modifications.

The proposed method of transferring the ownership of the water system to the Homeowners Association or another entity that will allow the homeowners to participate directly in the management, maintenance and operation of the system.

Prior to the consideration of this application before the Board of County Commissioners, proof that existing Homeowners Association has agreed to participate or accept the modifications.

No open hearth solid-fuel fireplaces will be allowed; each dwelling unit will be allowed one (1) new wood-burning stove as defined by C.R.S. 25-7-407, et. seq. and the regulations promulgated thereunder; and there will be no restriction on the number of natural gas burning fireplaces or appliances included in the protective covenants.

One dog will be allowed in each residential dwelling unit in the PUD. This requirement will be included in the protective covenants, and will be enforced by the homeowners association.

That the County may require a road impact fee for the PUD that would take into account any improvements made or to be made by the applicant to County Road 114. The proposed road impact fee will be based on a formula to be developed by the County and based on road improvement costs for the entire road system.

Findings: All roads become private roads - both proposed and existing.

Discussion took place regarding the need for the left hand turn lane and prior discussions at Board of County Commissioners' meeting.

King Lloyd stated he did feel that the turn lane was necessary.

Chairman Smith requested the 1992 minutes as well as the Resolution 92-091 to be reviewed in regard to the fact in dispute over the issue to determine if a turn-lane was necessary in addition to road impact fees.

Fred Boker - suggested that the water tank road could be used as a geographical feature. He stated the first phase would be to run toward the water tank. The land is marked by three distinct land marks however, designated road names have not been assigned.

Larry Green suggested circles could be drawn on the PUD Plan to aid in discussion.

Don requested the PUD Map be circled for the record to indicate these phases.

The sketch plan was marked for the record, as Phase I, II, and III.

Don asked if they were planning to submit a preliminary plan. If not this means that the Commissioners will not be able to see a final plat and can therefore not address the entire plan.

Also, different sewer systems phased into the developments may meet different Health Standards. If the statute requires the Preliminary Plan and the State Health does not accept that, the Commissioner will be in a spot when the Commissioners would have to reject the plan. This is an issue Don has had from the start. Mark Bean expressed the open space zoning would stay the same. This would be dedicated to the homeowners.

Don - it is important to know when the road improvements will be made.

Larry - the history of the Commissioners have been approved; the PUD has been sent to the State and he stated the ISDS approved.

Mark Bean corrected Larry and stated, no, they did question why there was not a central sewer. This is why Dean followed up with an additional memo. Page 11 of this exhibit was referenced where Mr. Watson states, "there is a potential problem with slopes in the lots and possibly distance to bedrock. The design engineer states that Spring Valley Sanitation District could be easily expanded. During site application review for such expansion the engineer will need to explore alternatives such as consolidation with a regional facility as required by statute. If these lots are going to pump up to Spring Valley Sanitation, could one then assume that they could pump in any direction?"

Don stated Mr. Watson was not obligated to answer this until a preliminary plan was submitted.

Additionally, Don was concerned that the Commissioners not commit to something that the Health Department would not approve.

Chairman Smith - many issues have been raised and she expressed all the information is not included in this report for them to make a decision. Nothing specifically to a left-hand turn lane.

Commissioner Arbaney - asked about the open space and who it was dedicated to.

Larry Green - answered yes, it is dedicated to Homeowners Association. As it moves further, the open space will be dedicated however, it does not include Auburn Ridge. They are not part of the phases of this subdivision and not members of the Homeowners Association. Therefore, they are not entitled to the open space. Auburn Ridge was part of the original PUD, but not defined as part of the Homeowners Association.

Mark and Don - agreed that this was their understanding.

Larry Green - stated the way the covenants were recorded Auburn Ridge is not part of the Homeowners Association. 1971 is the year when the Auburn Ridge was in existence.

Commissioner Arbaney - asked where the current activity is going on.

Larry Green answered - Exhibit P is the plat that is marked in colors.

Chairman Smith admitted it into the record.

Larry Green brought it to the attention of the Board that today they were attempting to obtain a modification to the PUD.

Don responded - when a request was made for a modification of PUD it did open up all of the issues.

Mark - the County does not have a process of amending a PUD. It becomes a new process and the County has not varied. The zoning action opens all the issues.

Chairman Smith requested to have this hearing continued and some of these issues cleared up prior to a decision.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to continue this Public Hearing until May 20 at 2:30 P.M. and leaving the rest of the afternoon agenda open. Carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd reported on an interesting problem of which he came to the Board in February regarding comments on impacts that were on County Road 231 by the Savages under a Special Use Permit. King further reported the logging company and the Savages had discussions regarding estimates, reports all pertaining to what portion the County torn up and what portion was torn up by the logging company. There was no resolution and the \$20,000 repair estimate did not set well with the Savages.

Commissioner Arbaney - suggested and commented he was fairly certain that the logging trucks did not have scales on them.

King reported another potential problem was that this operation could go another four years hauling both locally in Silt and some to Olathe. King suggested that it was not feasible for the County or the Savages to

do anything at this point. This participated some conversation that they could earmark some moneys and when the time came for the road repairs the money would be there.

Commissioner Arbaney suggested road impact fees for a specific number of weight.

King said the Savages have a plan put together and have an idea of their board feet. *King* stated he would bring this to the Commissioners.

Commissioner Arbaney - stated he was not familiar with who use the road and what numbers.

King - supported light residential and light agricultural.

Chairman Smith favored the Savages providing funds into a account that would be earmarked to road improvements.

King reported it was four or five years since the County did chip and seal on that road. Another point that came up was changing of the haul route. There is another phase of their operation that would be on 302 road.

The Commissioners did not remember this ever being put before them and stated Special Use Permits open the entire issue up. The Savages were aware of this.

King summarized that he was hearing the Commissioners were interested in developing a pool of funds for future road repairs.

Chairman Smith suggested that when the road reaches a level when a certain percentage of repairs are needed, the Savages will come in and address this before the Board. And if the Savages are willing to make shale available, that will also help.

King stated the weight limit is in the Special Use Permit and also the limited number of trucks.

The road is due for another maintenance coat however, the number of roads throughout the County needing maintenance is five times what funds are available to handle.

The discussion on Mamm Creek was postponed for Tuesday, May 7, at 9:00 A.M.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Ken Kriz of 167 Road - a taxpayer and a developer brought up the issue about road impact fees which are a big concern of his. He stated, "when you have people earning \$35,000 and trying to sell \$50,000 houses, of that \$10,000 are in taxes and fees. This cost homeowners \$100 a month and accused the Commissioner of being another Pitkin County where people are not going to be able to live in the community.

Commissioner Mackley - stated the mill levy for Road and Bridge is the lowest in the State. This County is locked in due to the Amendment One. Road Impact fees are not coming from anyone else.

Ken Kriz had complaints about gravel for his road.

Commissioner Mackley attempted to draw a clear picture stating that the highway user funds, forestry, and grants applied for is where the money comes from. Schools are 65% of the taxes.. He added that his total tax to road and bridge was \$12 a year. The industrial tax base formerly from Union Carbide is not here any more and the residential tax payer is carrying the burden.

The tax effort is attempting to replace what was lost with oil shale because they cannot adjust the mill level. Last year's abstract was presented to Ken by Chuck.

Commissioners Arbaney and Commissioner Mackley stated they do not like the road impact fees either.

Ken Kriz - remembered when the road was built and submitted photographs to strengthen his arguments.

King spoke to the project submitted in the photographs. Raw sewage affected the problem and required more of a response.

Mark just became aware of the problem. A holding tank was previously put in and the zoning and building codes were in violation.

Ken stated he should have placed deed restrictions on the houses in his development where original homeowners could not sell their homes for 30% more than they paid for them.

Bob Hoffmeister of 1437 No Name - has a farm in the valley in Silt. He stated he had quit claim deeded with the treasurer for Antlers Home Demonstration Club. He contacted all the landowners and they seem to think it needs to go back to the original landowners.

Chairman Smith suggested the Veterans Memorial Park be discussed on the June 10, 1996 Agenda. A time was set for 2:00 P.M.

PUBLIC MEETING - SB SUBDIVISION EXEMPTION LOCATED APPROXIMATELY TWO MILES EAST OF GLENWOOD SPRINGS IN NO NAME APPLICANT: JAMES WEAVER

Eric McCafferty, Don DeFord and James A. Weaver 1717 No Name Road were present.

Don determined proof of mailings and notice was in order and verified it was appropriate for the Commissioners to go forward.

Eric presented: This is an exemption from the definition of subdivision for a tract land of land located approximately two (2) miles east of Glenwood Springs, East of County Road 129. This 17 acre tract is located northeast of the Interstate 70 interchange in No Name, east of County Road 129 (No Name Lane), approximately two (2) miles east of Glenwood Springs. The western and southern portions of the tract slope at relatively gentle angles, whereas the eastern and northern portion of the tract slope at much steeper angles reaching slopes of 48% or greater.

The applicant proposes to divide, by exemption, the 17.09 acre tract into three (3) parcels of 4.25, 4.25 and 8.5 acres each, more or less. The applicant has discussed with staff the possibility of conveying a portion of the larger lot that would be created to an adjoining property owner, through a boundary line adjustment, essentially only creating three (3) buildable parcels of approximately 4.25 acres each.

Bob Hoffmeister - stated road 129 is 16 to 18 feet wide. He suggested the bottom lot be entered from the access road to eliminate congestion.

Jim Weaver - would place a deed restriction that would be for a single-family dwelling.

Recommendations:

Staff recommends APPROVAL of this application, subject to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities and further show that all lots will have at least one (1) contiguous acre of land that is less than 40% slope.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. Extensions of up to one (1) year from the original date of approval may be granted by the Board if requested by the applicant prior to the expiration of the original 120 days.

That the applicant shall submit \$200.00 in School Impact Fees for the creation of the exemption parcels (\$400.00 total) prior to final approval.

That the applicant apply for and receive the necessary "shares" of water from the No Name Creek Water Association and provide for the infrastructure necessary to provide sufficient water to the exemption parcels (if required by the Association). This shall be done prior to the authorization of an exemption plat.

That the following plat notes be included: "Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"All lots created by this exemption must be a minimum of one (1.0) acre in size and meet all applicable requirements of the Zoning Resolution in effect at the time of building permit applications."

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application."

The control of noxious weeds shall be the responsibility of the landowner.

That the individual lot owner(s) shall consult with and receive the necessary driveway permits from either Road and Bridge or the Colorado Department of Highways, for each lot, at the time of building permit application.

Conditions:

Lot one - a condition was placed in regard to the access to the lot that must do so from the access road. *King Lloyd* felt the County needed to address the drainage - need more room than what he has had in the past.

Bob would like to thank the road and bridge on the handling of drainage and roads.

Eric called to the attention of *King* that recommendation No. 8 addresses what *King* was speaking about.

A motion was made by Commissioner Mackley to grant an exemption from the definition of subdivision made by Dr. James Weaver for a tract of land located approximately two (2) miles east of Glenwood Springs, east of County Road 129 as described in the staff packet and all the major issues and concerns suggested findings, and recommendations including condition no. (1) one stating "for lot No. 1 the driveway would be accessed off of the access road with a simple requirement that the landowner cooperate with the Road and Bridge in working ditch drainage in recommendation no. 8. Another condition of approval was to provide demonstration that he had met with the Planning Department regarding this discussion with Road and Bridge. There is now a total of 10 conditions. The motion was seconded by Commissioner Arbaney. Carried.

Susan Pavato - 5585 Highway 6 and 24 stated she is speaking to the water board and will need to put a 6" line in. To do this she will need an easement to go across the Highway 6 & 24. Permission to run heavy equipment when needed in order to comply. This was determined not to be a problem and therefore required no additional condition.

Impact Fees

Don requested a 9:45 A.M. Agenda Item on May 7, 1996 with *King* and Mark on impact fees focusing on where the County was going with these. This would be in accordance with Peter Nichols and Dennis Stranger and the impact fees study.

PUBLIC HEARING - FOR A SPECIAL USE PERMIT - FLOODPLAIN - LOCATED APPROXIMATELY THREE MILES EAST OF CARBONDALE APPLICANTS: JERRY AND BETTY MCCARTHY

Eric McCafferty, Don DeFord, Chuck Deschenes, Jerry and Betty McCarthy were present. Don determined notification and publication were in order and approved the Commissioners to continue. Admitted into the record were: Exhibit A - proof of mailings; Exhibit B - returned receipts; Exhibit C - Application; Exhibit D - Project information and staff comments; Exhibit E - Zoning 1978; Exhibit F - Letter from the Department of the Army, Engineer District Engineers; and Exhibit G - letter Chairman Smith swore Jerry and Betty McCarthy. Exhibit G - Letter from High County Engineering, Inc. and Exhibit H - A list of adjacent property owners. Chairman admitted A - H into the record.

Eric McCafferty presented. This is a request for a Special Use Permit - Floodplain- to allow the construction of an access road on a tract of land located approximately four (4) miles east of Carbondale on the south side of State Highway 82.

Recommendations:

Staff recommends APPROVAL of this application based upon the updated proposal changed by the submittal of the letter from the Corps of Engineers and subject to the following conditions:

That all representations of the applicant, either within the application or stated before the Board of County Commissioners, shall be considered conditions of approval.

The Special Use Permit shall be issued when all conditions are met and shall expire 2 years after issuance, unless the driveway has been constructed.

That all construction be in accordance with the engineering specifications and also comply with the provisions of the Army Corps of Engineers letter dated April, 1996.

A motion was made by Commissioner Arbaney and seconded Mackley to close public hearing

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to grant the Special Use Permit - Floodplain - to allow the construction and access road for Jerry and Betty McCarthy on a tract of land as described in the project information and staff comments with all major issues and concerns, suggested findings, and recommendations, deleting No. 3 and making 4 number 3 and in number 2 making the change from 360 days to two years. Carried.

Committee Appointments

Michele Foster, Raleigh Gardner, and Clarence Mullen were interviewed for the **Planning Commission**. Commissioner Arbaney and Chairman Smith both felt that Michele Foster would be the best choice. Commissioner Mackley had reservations that there were only several agricultural members on the Planning Commission. This appointment would be replacing Steve Anthony so Michele would be a voting member from that area.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to appoint Michele Foster to the Planning Committee. Carried.

Undesirable Plant Commission - Chuck Deschenes mentioned there was an interested person who wanted to be on this Commission.

PUBLIC MEETING - FOR A CONDITIONAL USE PERMIT - HOME OCCUPATION LOCATED TWO MILES EAST OF CATTLE CREEK APPLICANTS: JANET PRINCIPE/REBECCA BIGLER

Eric McCafferty, Rebecca Bigler and Janet Principe of 3390 County Road 113 were present. Eric McCafferty presented: This is a request for a Conditional Use Permit to allow a home occupation on a tract of land located approximately 3.5 miles east of Cattle Creek on County Road 113, specifically located at 3390 County Road 113.

The applicants are requesting a Conditional Use Permit - Home Occupation to allow the continued operation of a delivery business, known as O.S.M. Delivery, from the existing residence.

Recommendations:

Staff recommends APPROVAL of the application, pursuant to the following conditions:

That all proposals of the applicant made in the application and at the public meeting with the Board shall be considered conditions of approval, unless specified otherwise by the Board.

There shall be no signage indicating the commercial use of the property.

If the nature of the delivery business ever substantially changes to include the necessity of several trips originating or terminating at the residence, then this Conditional Use Permit shall be subject to further review and, if found that an appearance or impact of a commercial activity exists, the permit may be subject to revocation.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve a Conditional Use Permit to allow a Home Occupation for Rebecca Bigler and Janet Principe (doing business as O.S.M. Delivery) as described in the staff packet with all major issues and concerns, suggested findings, and recommendations. Carried.

(CONTINUED) - PUBLIC MEETING -SUBDIVISION EXEMPTION LOCATED APPROXIMATELY THREE MILES EAST OF CARBONDALE OFF OF HIGHWAY 82 APPLICANT: ARTHUR AND ELKE JOWELL

Eric McCafferty, Terry Harrington and Attorney Robert Noone were present.

This petition for exemption was continued to allow the proponents time to address various concerns raised by adjacent landowners and other interested citizens, specifically due to the citizen's claims that they had not had sufficient time to review changes that were made in the applicant's file. Staff notes, however, that

all changes to the file were as reported in the Staff Report presented on April 1, 1996. The specific changes that were points of concern were:

The change from a shared well to individual wells to serve each proposed parcel (for which the applicants have received water allotment contracts from Basalt Water Conservancy District);

A potential change in the proposed access from the existing access, located along the eastern portion of the subject property, to the western boundary of the subject property. Staff notes that the applicants have indicated the access (to all proposed lots) would remain along the eastern property line, as it presently exists;

Sight distances and viewplanes that could be affected by future development in the meadows on the north and south sides of the property, as well as potential building envelopes.

Information that was presented at the time of the meeting that was not reviewed by staff or contained within the original staff report is attached, herewith. This information includes:

An aerial photo (date unknown) of the subject tract and the vicinity, depicting the spatial arrangement of the existing land uses.

A color depiction of parcels in the vicinity, their relative sizes and configuration.

The easement for the Basin Ditch, circa 1887. (The applicants have recently submitted a Ditch Improvement and Easement Agreement, which stipulates certain improvement criteria and defines the width of the easement as 20 feet on either side of the centerline of the Basin Ditch.

Three (3) letters submitted by concerned neighbors/citizens generally addressing floodplain, septic, water supply and neighborhood issues.

Staff still recommends APPROVAL of the application and feels the recommendation is appropriate, especially since the petitioners have submitted a detailed application that discusses the pertinent issues, in-depth, and that the proposal complies with the underlying, A/R/RD zoning, which stipulates minimum lot sizes of two (2) acres.

Attorney Robert Noone introduced Arthur and Elke Jowell, Gamba and Associates, Jean and Dee Blue in support of the Harrington's.

Jean Blue of 0404 Road 104 Carbondale spoke in regards to the ditch never breaking.

Kelly Gessling of 17607 Hwy 82 spoke regarding Lot C having a direct view affecting neighbors.

Michael Gamba - Gamba and Associates - addressing the floodplain issues. Floodfringe versus floodplain - depends upon the amount of water flowing through. He provided an explanation of the foundation being one foot above the 100 year floodplain. Showed a septic system approved by Garfield County in 1992 with diagrams depicting the presentation.

Attorney Noone - interjected that Garfield County had previously approved.

Nathan Bell - actually went out and inspected one month ago of the current system of Mr. Daag who reported no problems with the system.

Paul Busoni of Basalt Water Conservation - consulting Harrington on these matters. He recently did a well pump test - drawdown of 5 inches. He stated he was very comfortable with the new three wells from a legal point of view.

Chairman Smith - stated her only concern regarded the one lot that comes into the floodfringe. She stated she has a real problem of putting a house above the ditch versus below the ditch.

Attorney Noone - Gamba could address this. Engineering could design specifics to allow for protective design and this could be addressed during the building permit.

Gamba - stated if Lot C does want to build below the ditch, it would require a Special Use Permit.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to grant an exemption from the definition of subdivision for Arthur and Elke Jowell on a tract of land located approximately four (4) miles east of Carbondale along State Highway 82 as described in the staff packet with all the major issues and concerns, suggested findings, recommendations with the conditions as added in No. 5: "A building envelope on Lot C may be approved pursuant to the issuance of a Special Use Permit and, further, that the Basin Ditch be culverted above the proposed building envelope;" and "All lots created by this exemption and all users of the access road are subject to a road maintenance agreement." This agreement shall be recorded prior to final approval. Motion carried.

DISCUSSION ON ADDRESSES ON COUNTY ROAD 311

Bill and Don Kaufman of 4653 and 4655 County Road 311, Don DeFord, and Mark Bean were present. A letter from Ross Talbot was submitted showing two separate parties were issued the same addresses.

Bill Kaufman stated the Telephone company called and informed him the Bailey's have accepted a new address of 4799 County Road 311. However, in working on this a very serious issue was discovered, Kaufman was never assigned these addresses. Kaufman's want this rectified back in 1982. Someone could come in and get his address. Building Department is showing these addresses as open.

Bill Kaufman stated he had registered with the Sheriff's department and have a reflector address. However, his concern is that many families are affected. A reference was made to Exhibit A - a letter from Bill Kaufman stated they had received a letter from Ross Talbot.

The Kaufman's proposed a solution which was to name the road and record.

Mark stated the Building and Planing could record the road name.

Don Kaufman, stated he was sworn in on the 20th as an Attorney and will be working with his father Bill. His understanding was that prior to recording it required informing all residents of the benefits, and suggested to include the letter from Ross Talbott concerning fire protection as well as the Commissioner concerns with safety issues.

Jim Stevens offered his help in this matter since E 911 is part of his responsibility.

Mark stated that Building and Planning could send each affected resident a letter stating that unless we hear from you within a certain time, it will be changed.

Mildred Alsdorf also stated Motor Vehicle and Voter Registration, as well as Road and Bridge are all impacted.

Bill Kaufman - referred to the area as the black hole as this is the name Ross Talbott calls it in regard to fire protection because Ross says there is no way to identify the families and dwellings.

Bill Kaufman - has some 600 hundred acres that this affects and committed to work with the county and do whatever is necessary.

Mark stated the recording it is no concern but addressing is a concern.

Bill Kaufman stated they would show the parcels. None have been subdivided into 40 acres except one or two acre parcels.

Mark - can transfer from the Assessor's map to this map. The Bailey's now they have an address on 311 road which is 4799 311 Road.

Mark - confirmed that Kaufman's address of 4663 and 4665 are not recorded for anyone however, it is Kaufman's actually address although the mail boxes are on 311 road. He also stated that addresses have compounded over twenty years.

The Commissioners okayed the renaming of the road and will re-address and let everyone know the reason of why as well as the benefits in doing this. This could mean another public meeting.

Announcement

The Jail Discussion will not be held today due to the lack of a legal announcement. Don DeFord stated earlier in the day he had received a letter from the City of Glenwood Springs however, the requirements of the Open Issue Act created the need for the jail discussion to be on the Agenda at the next meeting - May 13th and was scheduled for 12:15 P.M.

Executive Session - Contract with Reily/Johnson

Sheriff Tom Delassandri, Dale Hancock, and Dave Sturges were invited to participate in the Executive Session.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session to discuss the contract with Reily/Johnson. Carried.

Adjournment

Attest:

Chairman of the Board

MAY 13, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 13, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator - Chuck Deschenes and County Clerk and Recorder - Mildred Alsdorf.

ORDER

Chairman Smith called the meeting to order at 8:01A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report. He stated the Roaring Fork Forum will be meeting here at the Courthouse. Chuck discussed the insurance Board regarding deposit holiday payments. Two deposit payments can bring in significant dollars into the individual budgets. Chairman Marian stated there may be a possibility to look at lowering employees portions.

Request for Healthy Mountain Communities

Chuck reported that he had received a \$550 request from Colin for Healthy Mountain Communities. Discussion was held regarding the request.

Letter of Support

Bud Gates, Chairman of the Eagle County Board of Commissioner requested a letter of support with a copy to George Russo regarding the purchase of the Canon City to Sage Rail Line (Tennessee Pass Line).

A motion to authorize the Chair to write a letter of support for the Eagle County Commissioners to become a designee of the State of Colorado Governor's Office in regards to the acquisition of the Canon City to Sage Rail Line (Tennessee Pass Line) was made by Commissioner Arbaney and seconded by Commissioner Mackley. Carried.

Chuck reported the \$18,000 on the ballot sheet was the forfeiture on the Sheriff's department annual report. Chuck had received notices about those named as Eagle Scouts and stated he will write letters for the three Commissioners to sign have Mildred attest and seal.

County Road 238

Joe Zelenka addressed the Commissioners regarding County Road 238. Joe wants to put gravel on it. The Board authorized a survey to be done and Chuck was requested to advise Joe that it is okay to let him put the gravel there but Commissioners did not want to put a lot of money in it.

Rifle Sportsman Club

Rifle Sportsman Club has a 99 year lease on the property, however they wanted assistance in cleaning it up. They will have volunteers but wanted a CAT to crush it down. There may be some old cars that would be valuable for the salvage costs alone. Chuck stated he wasn't sure about the offer as some of the cars are buried. The Commissioners requested Chuck, Don and Mark to handle this issue and report back to them.

COURTHOUSE COMMITTEE RECOMMENDATIONS

Margaret Long gave the report. There are some space problems that are not resolved, for instance, Guy Meyer of Emergency Services needs more space however, there is an electrical panel in the way. Chuck indicated that Guy stated the Courts were going to give them a bit more space.

Regarding the space allocation for the nurses, Margaret stated some changes in the configuration inside can be handled to make more space. So far, Margaret has not heard any disagreements. She stated there were some space problems that are not totally resolved at this date, however, the committee is working to find a solution.

She reported that the Mountain View space is coming along nicely and things are moving smoothly with just a couple of things that are delaying. One is U.S. West who will not commit to a date certain as to the switch-over; also, there could be a snag in getting the locks in. They will be using combination locks. Nonetheless, plans for the moving date still look like June 25, 26. There are some desks that will not be moving out there and these may be taken to the dump or auctioned. The remodeling of the Social Service space for the County Attorney's offices will require some walls removed. Chuck stated this will require a contractor to come in and look at it. Healthy Beginnings and the Nurses are moving in as is without any remodeling. Milt's District Attorney and Victim/Witnesses offices will be moving into the Extension's office and the Extension is moving into the front part of where Social Services were formerly. Then Legal Services will go into Victim's Witness office space.

Margaret reported the bowling went fine and several teams want to repeat. Overall there was an \$1800 profit realized. Margaret stated it was a well organized effort.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Don DeFord, Dale Hancock, Ron VanMeter, Jail Advisory Board Dave Sturges and Chairman Al Maggard were present.

Jail Count

107 Total, 42 major jail; 42 work release; 11 females; 8 other jails; 2 home detention; no day reporting; 2 State Hospital; and 4 DOC. Chairman Smith requested Tom to thank his staff for helping her to unload boxes. She stated the work release inmates were polite and nice.

Tom stated there was a Board Meeting in Carbondale and Dale is working on a packet which requires discussion. This was in light of page one of Glenwood Post where it addressed Glenwood Springs residents opposing the building of the new jail at 8th and Pitkin. In response of that article Tom took a ride out to New Castle and looked at property that could be obtained to put the jail.

Tom stated there is also some property available both in Carbondale and Rifle. He stated he had spoken with the owner of a piece of property along Hwy. 13 who owns 11 acres which was formerly the old feedlot. Tom stated this could be developed for the jail project. In accordance with this property, Tom said that Rifle is interested in doing some negotiations. However, the property is in the 100 year floodplain. Also, the property just above Castle Valley Ranch is similar and the property is available for development. Tom suggested some possible strategy as he did not feel that the Chatfield property is suitable. He suggested what would be two options: (1) find a decent piece of property and/or (2) wait until the City of Glenwood realizes what they are going to lose. Tom stated when the City realizes they will also be giving up the Courts, this may change their minds. When he shows other towns the potential and they realize what they have, the offer is very attractive.

Chairman Smith commented that Aspen has their jail in the middle of town and Aspen is very tourist minded.

Tom reported he has begun to work with a core group that had concerns. Some have begun to understand the goals however, Glenwood City Council has its own agenda.

Chairman Smith suggested to stop paying the alarm tax to the City.

Dale suggested to have Reilly/Johnson put together a three or four page presentation. The amount projected that the jail alone brings in to the City of Glenwood Springs is approximately \$300,000 per year. The Courthouse combined with the jail amounts to close to \$1 million annually for a community. The concept of a Justice Center Complex where the jail and the courts go together, looking at Montrose as an example, was discussed.

Dale suggested, in terms of strategy, that it would be presumptive to state the Courts will go if the jail is relocated outside of the Glenwood area, however, it Reilly/Johnson is selling the \$1 million per year plus the employees then this would be a good selling point.

Chuck suggested to put something on the ballot to move all outside the City of Glenwood, courts included.

Chairman Smith stated, if the citizens are willing to circulate information to this effect then it probably would make a difference. She also suggested to split out the budget to show what is spent into the community with regard to medical, food services, etc.

Dale stated that Sam Skramstad wanted to see the line budget items. Sam sits with the Jail Advisory Commission.

Chairman Smith offered a strong suggestion which was to invite the City Council to sit in on the court hearings to see how many times the inmates are transported back and forth to the jail due to several reasons, one of which is that the judge may not be available or the attorney is not present, or possible bail has not been made.

Don suggested the Commissioners consider one of the major costs to relocate the jail anywhere other than Glenwood would be the medical transport. He stated there are quite a few transports to Valley View Hospital.

Commissioner Arbaney suggested if the Commissioners talk seriously about moving the jail out of the City of Glenwood Springs, then it may antagonize the county residents on the cost and some pressure be placed where needed.

Chuck stated he felt the original strategy of "stay here, go through the Court's systems and gain approval for the jail to be built across the street" was the safest way to go.

Don added he is waiting on feedback from the higher Federal courts. He also stated the City of Glenwood would be having a special executive session tonight and he would give legal advise on the 12:15 Agenda discussion - "consider action concerning Glenwood Springs Planning and Zoning review of jail site."

Executive Session - Jail Site Related Issues

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session to discuss the legal issues regarding the decision from the City of Glenwood Springs Planning Commission and for Don DeFord to provide updates on the Court. Carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to come out of Executive Session; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Mark Bean, Don DeFord, Chuck Deschenes and Norman and Cheryl Chandler of Silt were present. The Chandlers appeared to discuss an exemption process that was approved approximately 6 weeks ago which has some legal issues that need to be straightened out.

The Chandlers stated the public access exemption is blocked. They reported that Jim Yale from the Town of Silt stated Silt cannot designate road access. They also reported the Silt is looking at approximately two years before they will develop the road. *The Chandlers* stated they have dealt with the Town of Silt to try and come to agreement with them on the right-of-way however, Housing Now is developing the property in question and state they do not have the authority to designate access as the right-of-way belongs to the Town of Silt. The Chandlers stated they have the plat and need to have this final approval from Silt before going any further. This is a true impasse.

Don suggested for Mark to call Jim Yale and determine the impasse. This may require another public notice and cautioned Cheryl Chandler to watch out for the 120 day limit. One solution would be for the Board to rescind the condition placed at the hearing.

FINAL PLAT - SIERRA PINONS SUBDIVISION APPLICANT: BARTON PORTER

Mark Bean, Don DeFord, Barton Porter, and Legal Council John Schenck were present and submitted all documentation for the Sierra Pinons Subdivision. Mark recommended the Board authorize the Chair to sign off on the final plat.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign the Plat and Resolution for Barton Porter, Sierra Pinons Subdivision Improvement Agreement. Carried.

COUNTY BUSINESS - BUILDING AND PLANNING REPORT

Mark Bean submitted the report for the Building and Planning and explained the current activity. Two extensions were requested: Tamera Duplice on an SB-35 and Joseph and Emily Varani on a SUP-Ag Related Business.

Mark reported the Building and Planning report was showing figures slightly ahead of 1994, which was the record year since 1982. A total of 117 versus 114 in residential permits and 78 versus 74 in commercial, however, figures were up in valuations due to the price per sq. foot construction cost rose from \$63 to \$65. Mark reported Carbondale may jump ahead of Battlement Mesa with Aspen Glen developing steadily. He had several complaints from individuals wanting the dust at Aspen Glen to be stopped. Aspen Glen has not been watering and Mark has pictures showing a cloud of dust around the area. However, Aspen Glen has been notified by the State there must be adequate water on the entire development. Mark also reported there is a part-time position for the Building Department who will help by working in the Silt Mesa, Mitchell Creek and Canyon Creek areas. Mark is working on a letter of agreement with the individual he tentatively has hired.

Resolution - F. Peter Simons

Mark submitted the Resolution for an exemption for F. Peter Simons and recommended the Chair be authorized to sign the Plat and Resolution.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign the Plat and Resolution for the approval of an exemption from the definition of subdivision for F. Peter Simons. Motion carried.

Mark reported the Town of New Castle was requesting a waiver of impact study.

A motion to waive the statutory annexation report for the Walter property was made by Commissioner Arbaney and seconded by Commissioner Mackley. Motion carried.

Mark stated he will get a letter drafted and off to the Town of New Castle.

Mark submitted a letter from John Kemp representing Viola Mooney with a request for a one year extension to allow Ms. Mooney to work out a problem involving a search for access to property that she has been using for 47 years. This may involve having to file a quiet title action as the assessor's office does not show a title to this particular piece of land.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney granting an extension up to one year in case litigation is needed to resolve the land issue. Motion carried.

Tuesday, May 14, 1996 at 10:00 A.M. - Dennis will meet with the Commissioners and John Meckling, Manager of C.T.L. Thompson, Inc. to discuss a pavement information management system.

DEPARTMENT HEADS

Dave Gallagher - Weed Control - reported:

Lane Wing from the Bureau of Land Management came to him and wanted Dave to bring before the Commissioners the need to develop a "weed pool". The State Director of BLM has taken an interest in weeds. Further, Lane proposed that the Board of County Commissioners issue a Weed Awareness Week. BLM will then designate an area where yellow toadfax is thick in population, provide refreshments and gain publicity. It was suggested to take kids and education them as to the weed problem since it ravishes a lot of county land. The toadfax is a weed with a pretty yellow flower. Dave reported this was a very informative meeting with BLM. The Governor has noticed the weed problem and become aware, so much so that he more than doubled the budget for weed control. Dennis Jenkins is also an advocate for this effort.

Dave reported that since May 1st he has received 23 calls referred from the Extension Office dealing with spraying the asparagus to spiders in the basement. He also reported Dupont is coming up with a

\$500 grant and Dave is attempting to find matching funds or donations. He will keep updating the Commissioners as information becomes available.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into the Board of Social Services. Motion carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to come out of the Board of Social Services. Carried.

SECOND READING AND ADOPTION OF AMENDED NUDE ENTERTAINMENT ORDINANCE

Don DeFord asked for a demonstration of publication from Mildred Alsdorf who affirmed she had published the required notice of the amended Ordinance in the newspaper and furnished the proof of publication submitted as Exhibit A. Chairman Smith accepted Exhibit A into the record. Mildred stated the Ordinance was formally introduced at the regular meeting of the Board of County Commissioners on April 30, 1996.

A motion was made by Commissioner Arbaney to pass Ordinance No. 96 - 1.5 (the amended Ordinance 96-1) directing the Chairman to sign and stating that the Ordinance becomes effective May 18, 1996, at the same time as the original provisions of Ordinance No. 96-1, or immediately upon adoption of the Ordinance, whichever is later. The motion was seconded by Commissioner Mackley. Carried. The Clerk was directed to publish the Ordinance by title only.

CONSIDER ACTION CONCERNING GLENWOOD SPRINGS PLANNING AND ZONING REVIEW OF JAIL SITE

Dale Hancock, Chuck Deschenes, Don DeFord, Mark Bean, and Attorney Sherry Colioa were present. Don presented that under Section 31-23-209 CRS the County submitted a request to the Glenwood Springs Planning Commission to review the location, character and extent of a proposed new jail to be constructed at the corner of 8th and Pitkin. That was reviewed by the Planning Commission on April 23, 1996 and Don submitted a letter dated May 3, 1996 from Mark Donaldson, Community Development Director for the City of Glenwood Springs, stating the action that was taken was a motion to "disapprove the site plan as submitted because the current zoning at the proposed location does not allow for the development of a government building per the Glenwood Springs Municipal Code; and would request the Board of County Commissioners to submit an application for a rezoning request or a zone district amendment for the development of this site, per the Municipal Code," Don added there were documents attached that appeared to be transcription and minutes. The reasons and basis for that motion were deemed to be of importance by Don for the Board to consider. The minutes and transcription that were attached set forth what occurred at the meeting of the Planning Commission. Dale Hancock briefly stated what was submitted to the City pursuant to that statute, both verbal and written. Dale stated he submitted a narrative, which addressed the size; characterization of the structure; and the schematic. Dale stated he received feedback from staff comments with specific questions in regard to the proposal. These were responded to by Dale, Tom, Don and the architect. Dale stated he was at the meeting held with the City Planning and Zoning. At that meeting the Planning Commission recommended to disapprove 6-0 vote based on the zoning. Don stated under statute the planning committee action is brought back to the Board of County Commissioners which may be overruled by not less than 2/3 of its membership. In regard to the Board of Commissioners, 2/3 is a majority. Don informed the Commissioners that it was up to them at this point to decide if they wanted to overrule the Planning Commission action or whether to accept it. Section 31-23-209 relates to the municipal zoning act. Don read the entire part of the statute that relates..... "If the public way, ground space, building, structure, or utility is one the authorization of financing of which does not, under the law or charter provisions governing the same, fall within the province of the municipal governing body, the submission to the commission shall be by the governmental body having jurisdiction, and the planning commission's disapproval may be overruled by said governmental body by a vote of not less than two-thirds of its membership."

Public comment was discussed. Don informed the Commissioners they can accept public comments however, it has already been taken and it not required at this juncture. The consensus among the Commissioners was that the issue has been discussed many times and therefore, not to take public comments.

Commissioner Mackley stated the times public comment has been taken was tabulated several months ago and since that tabulation, several more sessions could be added in. However, what it goes back to is that the Legislature mandates the County provides a safe jail for the citizens of the County. This issue has been going on from his personal knowledge for eight years and from what he has heard it is an issue that is some 15 years old and several attempts have been made of the past 8 years to rectify the problem and get the County from under the Consent Decree. All these efforts have been a major liability to the taxpayers in this county as far as cost. In his mind, we must move forward until in some way we are absolutely stopped and deal with this issue at hand. Section 31-23-209 certainly addresses this and is an act of legislature to look to the taxpayers for the cost; and what it may cost. We, Commissioner Mackley stated, the Board of County Commissioners, are the body that has to deal with this issue and therefore suggested to override the Planning Commission of Glenwood Springs and build the jail on the 8th and Pitkin Site doing so as expeditiously as possible. Commissioner Arbaney agreed and stated the cost for room and board to house these inmates in other jails as well as the funds to transport them to and from warrants this Board to move forward and build the jail. Chairman Smith agreed wholeheartedly and stated Garfield County was very wise to purchase the land when it came on the market because they had done long range planning. Using this property for County Operations has been talked about for a very long time. A jail needs to be close to the Courthouse for transportation costs. It is a part of the County Seat and she stated it should be in the County Seat. The best possible location is close to the Courthouse in order to avoid paying out enormous costs associated with transporting prisoners. She added prisoners are in and out of court more than once all in the same day depending upon whether the attorney is available, perhaps they want a continuance, or whatever. The same prisoner may be in or out of court more than once in a day. Then there is transports to the doctor and dentist, and the closer to these facilities the better for efficiency. She referenced Pitkin County Court has their jail built right next to the Courthouse in Aspen and it is in the heart of a downtown resort town. Chairman Smith stated she sat in the Pitkin County courtroom the better part of one day and knows first hand; She knows how often transporting these prisoners around occurred; there are problems of all kinds at the current Garfield County jail. It was build over 30 years ago and does not meet the standards required for today's jail. She stated we must proceed ahead. This board and the jail advisory committee has looked at alternative sites.

Commissioner Mackley stated the Commissioners and the Jail Advisory Committee has searched out additional sites and in October 1974 they solicited the Chamber of Commerce to come forward with suggestions, but that didn't happen. Now the City of Glenwood Springs is coming up with an alternative building site, but they do not even own the property for which they are proposing. And in the minds of the Commissioners the proposed alternative site is a bad one for many reasons, however, we are still moving forward on the Pitkin Site while looking into possible atlternative sites. Commissioner Mackley made a motion to override the Glenwood Planning and Zoning Commission and go ahead with the plan to build at the 8th and Pitkin Site. The motion was seconded by Commissioner Arbaney. Discussion. Commissioner Arbaney stated they have looked at alternatives sites and still have only \$7.3 million dollars too build the new jail. Other property has been suggested, such as moving to Rifle or Carbondale, however, you would double the cost to do so. This will put the burden on the taxpayers.

Chairman Smith stated, when the current property was bought at that time governmental zoning was considered in this whole area. The property was bought in good faith.

Vote - Mackley - aye; Arbaney - aye; Smith - aye.

ROAD AND BRIDGE DISCUSSION

King Lloyd and Chuck Deschenes were present. Chuck mentioned Mr. Zelenka requested a survey on County Road 238 to add gravel as he wants to build in September. King stated Bob Scarrow started this years ago and whose house is in the right-of-way needs to be determined. The survey documents belong to Scarrow, and King stated it was 50/50 deal between Zelenka and the County.

Chuck also had a request from the Rifle Sportsman Club who has a 99 year lease and are requesting some assistance in cleaning up old dumped car bodies with crushing etc. King added this is private land and he has a problem going on private land.

Commissioner Arbaney stated he had a conversation regarding Cedar Hills Subdivision on County Road 262 where tar sand was laid. He suggested King contact the developer.

King stated there was one part on 214 Road busting up and Lee is accepting the responsibility. King stated they were waiting until the hauling is completed before going in and trying to fix.

County Road 315

King stated he formulated some numbers to determine a cost to stabilize County Road 315 with an estimate of 6" road base new on top of the fabric. King estimated coming back with 6" new additional on top using a road reclaiming machine and going 3" deep incorporating the new within the base. (Coming in with fabric; then add 6" of road base.) Discussion was in-depth as to the best method of repairing this road. The cost estimated was \$187,338.00 for four miles of road. King gave comparisons of cost per applications and he drew a diagram to fully explain the process he described. King suggested to Tim Sarno they were going to held responsible as King was attempting to adhere to their guidelines. Chuck suggested to take the issue all the way to Jenkins cut off indicating the County's willingness to put forth part of the cost, otherwise it was not a salable item.

King and Chuck met and reviewed some dollar figures, however, due to the current budgetary constraints, even to do the lower part of the road will take more than is in the grant.

Commissioner Mackley suggested to sell Tim on the cheaper-better plan and to attack it from the standpoint that this has to be done. He felt if King could hit a middle of the road approach and do some creative planning such as the use of road graders, how the road was never completed, and the cost of chip/seal and patching that has been done since it is the only costs experienced.

King stated the first step was the plan; next step is to contact Tim; then to discuss the options with the Board.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Director of Colorado Division of Housing Sherman Karcher presented a summary of the proposed Garfield County Housing Authority Annual Report for 1995. He stated that in 1990 a survey of housing was done for the County in Garfield. Owner/occupancy and rentals have come up with "what is affordable." Then they had a contractor come in and suggest some things for this subject. Sherman stated he needed a letter of recommendation from the County to support the Garfield County Housing Authority Affordable Housing Analysis Proposal which will provide a detailed evaluation and comparison of the affordability of rental and owner-occupied housing in the Garfield County communities. The cost of this study is expected to be about \$20,000 and they are requesting 1/2 local matching funds and 1/2 to be secured through the Colorado Department of Local Affairs CDBG program.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorized the Chair to sign a letter of support for Garfield County Housing Authority. Motion carried.

A motion was made to go into the Board of Health by Commissioner Arbaney and seconded by Commissioner Mackley. Carried.

BOARD OF HEALTH

Mickey Rummel, Mary Meisner, and Margaret Long were present.

Mary handed out the Garfield County Public Health Nursing Service Vision, Mission, and Goals statements to the Commissioners and Mary stated they will set up objectives for each of the goals. The Vision - All residents of Garfield County will have access to resources that promote optimal health and well-being of individuals and communities.

The Mission - The Garfield County Public Health Nursing Service is committed to the highest standards of health for individuals and communities. Our mission is to prevent disease and promote healthy behaviors.

The Goals - protect the health of the community; participate in and facilitate community development; develop resources through collaboration with health and social agencies; prevent abuse and injury; prevent and control communicable and chronic disease; reduce risk through health education and interventions; modifying life style and behavior change strategies.

Lift-up, Healthy Beginnings, and Healthy Mountain Communities are meeting and working on the objectives since they have the goals in place. Mary reported this is a brainstorming process and she is pleased with the outcomes.

Mary invited the Commissioners to have input into the process as this is not the final product.

Mary provided some quick updates on the Garfield Community Action Plan, Rotary, and gave immunizations updates which showed the MMR's were given to all 6th graders and seniors except in Carbondale because that was done last year.

Mary reported the WIC program has 874 clients.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to come out of the Board of Health. Carried.

**(CONTINUED) PUBLIC MEETING - SUBDIVISION EXEMPTION LOCATED
APPROXIMATELY 2 MILES EAST OF SILT APPLICANT: TAMERA DUPLICE**

Mark Bean presented a letter from Walter Brown requesting an extension. Mark stated he was asking for 45 days. The date of August 5 was scheduled.

A motion was made by Commissioner Arbaney to extend the meeting until August 5th at 4 P.M. seconded by Commissioner Mackley. Carried.

**(CONTINUED) PUBLIC HEARING - SPECIAL USE PERMIT FOR AGRICULTURE
RELATED BUSINESS LOCATED ADJACENT TO EAST SIDE OF RIFLE OFF OF
WHITERIVER AVE APPLICANT: JOSEPH AND EMILY VARANI**

Mark Bean presented a formal request for an extension for Joseph and Emily Varani of at least 30 days.

A motion was made by Commissioner Arbaney to extend until July 1st at 2:00 P.M.

Extensions - Barton Porter

Mark presented that Barton Porter was requesting an extension for his development in New Castle off of County 314 of 2 parcels 2.5 acres each.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to grant a 120 day extension. Carried.

Another extension request for Barton Porter regarding a 9 acre parcel of land on County Road 314 to be divided in to 3 small acres of 3 acres each. He was requesting 120 days.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to grant a 120 days extension for Barton Porter. Motion carried.

A third extension request for Barton Porter for 120 day extension on property located on County Road 314.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the extension. Motion carried.

Planning Commission Update

Mark reported the County Planning Commission was reconsidering the extension process and having a work session which is open to the public. Basically the bottom line is they are proposing making exemption by public splits of 35 acres or greater and qualifying the water issues, dogs and doing away with the geographical splits issue.

Correctional Facility - Rifle

There has been some settlement but the State will not proceed. Mark reported there may be some legislation passed. If so, this would require the Board of County Commissioners to review but not the Planning and Zoning Commission.

Executive Session - Corporate Change of the Relay Station

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session to discuss the Corporate Change of the Relay Station. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session. Carried.

Planning Commission Appointment

Chuck was instructed to write a letter to Michelle Foster regarding her appointment to the Planning Commission.

VACATION OF PORTIONS OF CR 240

Don DeFord, Scott Balcomb and Attorney Tim Thulson were present and submitted Phase II annexation documents into the Town of New Castle and a petition asking for the vacation of portions of a public road and right-of-way known as County Road 240 to complete the legality issue. Tim added that all adjacent land owners are in the Burning Mountain Partnership. Don submitted a Resolution and requested the Chair be authorized to sign.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve a resolution concerned with vacating portions of a public road and right-of-way known as County Road 240. Motion carried.

CORPORATE CHANGE OF RELAY STATION

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to continue this matter until June 3, 1996 a 3:15 P.M. in order to clarify the 10% ownership question. Motion carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into Executive Session to discuss Cala De Vida litigation. Motion carried.

Attest:

Chairman of the Board

MAY 20, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 20, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Smith called the meeting to order at 8:03 A.M.

COUNTY ADMINISTRATOR

Mountain View Parking Lot - Tour

Chuck Deschenes suggested the Commissioners take a tour of the Mountain View Parking lot in order to have a better idea of the problems stated and to be discussed later in the day by Margaret Long.

Van - Sheriff's Department

Chuck reported that Mike McBreen had presented the possibility of obtaining a van from the Mesa County Sheriff Department. This will be used for the work release inmates to be taken back and forth to jobs.

Fairgrounds Gate

The bids were presented for the Fairgrounds Stone Gate as follows: Isley Masonry and Restoration of Rifle- \$45,360 with a start date of mid July, completion date of mid August; Smith Masonry of Rifle - \$43,270 with a start date of mid June and completion by July 4; Conrad Lein Masonry of Glenwood Springs - \$36,900 with a start date of June 10 and completion dated August 30 or before; and Strouse Masonry of New Castle for \$21,335.92 to dismantle and rebuild the two stone entry structures. The bids were deferred until the June 3rd meeting as the Board suggested Chuck should obtain clarification on Strouse's bid. Chuck stated Mike had sent out 11 bids and received four back. The bid openings were sent to all masonry companies in the County and one in Grand Junction.

The bids were presented for the 7 foot chain link fence and repair of existing chain link fence for the Fairgrounds. Chuck stated Mike had only received three bids: Crusader Fencing Systems, Inc. of Glenwood Springs for \$49,530 with a 5 year guarantee; Superior Home Concepts of New Castle for \$55,000 with a one year guarantee; and Stropnick Fence Co. and Hi-way Feed and Ranch Supply of Rifle for \$38,467.99 with a one year guarantee.

A motion was made by Commissioner Mackley seconded by Commissioner Arbaney to award Stropnick Fence Co. and Hi-way Feed & Ranch Supply of Rifle for \$38,467.99 with a completion date of August 1, 1996. Motion carried.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Don DeFord, Chuck Deschenes, Dale Hancock, Ron Van Meter and Advisory Board Chairman Al Maggard were present.

JAIL COUNT

106 total; 35 in main jail; 48 work release; 9 females; 10 in other jails; 2 home detention; none in day reporting; 2 State Hospital; 2 DOC. Totals of 109 for Saturday and 108 on Sunday were reported. The inmates in other jails consist of: 1 in Pitkin; 1 in Delta; 7 in Gilpin; and 1 female in Rio Blanco. Tom reported there was a surprise visit on Sunday from ACLU related to the Consent Decree. He also stated the inmates were working real hard on the Courthouse yard pulling out the weeds.

Cleaning Vents - Jail

Tom presented an estimate for duct work and cleaning of vents for \$4,500.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to proceed with the cleaning of the vents in the County Jail for a bid of \$4,500. Discussion: Tom stated a firm out of the area is the only one that would take this job. Motion carried.

Jail Advisory

Dale Hancock reported the Board attended the quarterly meeting in Montrose over the weekend at the State Community Correction Board. Al Maggard is the Vice-President of the group. The main subject of interest to Dale was the Intensive Supervision Probation versus Community Corrections on cost effectiveness. He had a discussion with Montrose County on their project and stated they prequalified 1/2 dozen general contractors in the bidding process and it looks like it is going down to two final firms to be re-interviewed because the project budget \$13.4 million and the low bid was \$14.1 million. There were 192 bidders plus the courthouse. They found real difficulties in the general contractors' bid format where subs would be identified in several trade areas and only able to come up with one sub for cell locks, masonry, steel, etc. Dale stated it was pretty thin pickings as far as the process was concerned.

Fire Ban Report

Guy Meyer of Emergency Services gave his report on the wildfire plan. He stated 26 counties have issued bans. He also submitted four letters of support regarding the formal ban on open fire and fireworks.

Don added there could not be any prosecutions prior to enforcing an ordinance and resolution being in place. Don would need to draft an ordinance and have the Commissioners enact it. The Board directed Don to proceed. Discussion included the fireworks exception. Don did report that the State has regulated fireworks and the Commissioners did not have the right to ban the use of fireworks. At Chairman Smith's direction Don stated he would obtain a few sample ordinances from around the State to determine the depth at which other areas ban open burning and camp fires.

River Ban Discussion

A ban on river rafting was also discussed but nothing was decided. Sheriff Dalessandri stated the river rate of speed and rate of rise was being carefully monitored. A couple of rafters were rescued this past weekend.

It was suggested that there be a rescue permit fee attached to rafters. If you pull someone out you might ask them about having the insurance which cost \$1.00.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to adopt the 1996 Wildfire Plan as submitted by Guy Meyer and the Sheriff. Carried.

EXECUTIVE SESSION - CONSENT DECREE

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session to discuss the Consent Decree as pertaining to the surprise visit by the ACLU on Sunday, May 19, 1996.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session. Carried.

COUNTY BUSINESS

Dale Hancock presented Cathy Tracy, EMS and a Resolution to request the Commissioners to recognize May 19 -26 as Emergency Medical Services Week.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve a Resolution for the Chair to sign concerning the designation of Emergency Medical Services Week for May 19 - 26, 1996. Motion carried.

DEPARTMENT HEADS

Carol McNeal, Extension Office thanked the Commissioners for a real positive meeting with Milan stating it worked well. Carol reported that she is interviewing for secretaries today; the Fair Books are done and

at the printers; and Darlene will run the Open Class Divisions. One issue needing the Commissioner's assistance at the Fairgrounds is the drinking of alcoholic beverages in the barns. Carol stated that the Fair Board had asked who was to monitor this issue as it needs an enforcement in place. Darrell Meisner was mentioned and Chuck volunteered to speak to him. Signs are posted regarding no smoking and drinking. Chuck added that Darrell will be patrolling and enforcing this ban that Rifle has in place regarding open container. Chuck expressed his intentions to follow up. Carol suggested the "sale" and Friday night events were the worst. One problem Carol identified was with "outside groomers." It was also discussed that parents were doing the work versus the kids.

Fair Board Appointment

Commissioner Mackley made a motion to appoint Grey Mello as a member of the Fair Board. The motion was seconded by Commissioner Arbaney. Carried.

COUNTY ADMINISTRATOR - continued

Chuck submitted correspondence from the Ruedi Power and Water Authority. An invitation for anyone interested in water from that source was invited to a meeting being held on June 20th from 1 - 5 P.M. at Carbondale Town Hall.

BLM - Weed Management/Pesticide Use

Chuck presented a statement of work, pesticide use proposal, conditions of approval and maps for weed management operations for 1996 from BLM which required the signature of the Board Chairman.

A motion was made by Commissioner Mackley to authorize the Chair to sign an agreement with BLM concerning the statement of work, pesticide use proposal, conditions of approval and maps for weed management operations for 1996 submitted from BLM dated May 10, 1996. Motion was seconded by Commissioner Arbaney; carried.

Mountain View Building

Phil Vaughan Construction Management submitted a proposed pricing for the Regrading of the East Parking Lot at the Mountain View Building which included exterior lighting and the demolishing and hauling off-site of the North and South buildings for \$42,947.68; and a proposed pricing for the Regrading East Parking Lot without demolishing and hauling off-site of the North and South buildings for \$25,325.27.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley for the chair or chair pro-tem to sign the change order to Mountain View Parking Lot as discussed for a price not to exceed \$42,000. Discussion: this will be paid for out of capital expenditures and will require a budget amendment at some time. Motion carried.

DEPARTMENT HEADS - continued

Chambers - Amended Plat

Mark informally brought before the Commissioners an amended plat for Chambers.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign an amended plat for Chambers. Motion carried.

Mark Bean submitted the proposed development agreement amendment and Resolution concerned with the approval of the application of the Los Amigos ranch partnership planned unit development zone text; and PUD plan and approval of its development plan submitted by Los Amigos Ranch.

Four Mile Road Study

The copy of the final report of Four Mile Road was also submitted; Mark added there was a limited number of copies. He stated that Dennis and Pete will be having a meeting attempting to get interested parties to come. The various options will be discussed as well as different ways to finance the County's portion of the cost. Mark stated the formula has been completed and Pete has indicated the impact fees are only a part of it. The meeting will be held on Wednesday in Room 301.

AMENDED PLAT - RIES EXEMPTION PLAT - LOCATED APPROXIMATELY TWO (2) MILES EAST OF CARBONDALE OFF OF CR 100

Mark presented this was a flip flop of properties and his staff has recognized this as being okay. When the millar is brought in then it will require a public meeting to amend the Ries Exemption Plat located approximately two (2) miles east of Carbondale off of CR 100.

AMENDED PLAT - LOTS D, 40 - ASPEN GLEN FILING NO. 1

Mark stated these are the duplex lots for re-development. This is the legal description for the foundation so they can sell each unit separately.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign an amended plat for Lot D-40 Aspen Glen Filing No. 1. Motion carried.

PRESENTATION - STATE DEMOGRAPHICS - JIM WESTKOT
CENSUS PREPARATION/LOCAL ECONOMIC INFORMATION FORECASTING
INFORMATION

Jim Westkot, Tim Sarno and Cindy Novasick presented two agenda items: the year 2000 Census and Economic Forecast.

Jim stated the Director of the Denver Regional Office of the Census Bureau sent a memorandum to all local governments in Colorado seeking their assistance in updating the Bureau's TIGER file. The TIGER file is the Bureau's computer-based, geographically-referenced data file of every street or road segment in the State with its associated block number and address ranges. The reason the Census Bureau is seeking to update this file is so that they can identify and geographically reference every house in the State in time for them to conduct the 2000 Census. In order to accomplish this task, the Census Bureau would like to request assistance from the County. *Jim* outlined how the census could be beneficial; a way to achieve what information is necessary; and the strategy of obtaining it. He submitted that the first item needed is a complete map that shows all the roads that matter with houses on the roads. He especially pinpointed new developments as they are easy to miss. Roads, *Jim* said, have to have names marked and address (ranges) at each block range or phase. Secondly, he needed a complete list of every house by complete address. In order to ensure proper address delivery, he needed a physical address on the form as this saves the Census Bureau from the delivery. And, a complete list of these addresses means that the Census Bureau is responsible to pick up a form. Therefore, *Jim* was asking for help in preparing these maps that are updated and have addresses. The homeless are a problem as well as all others living on BLM property. The main concern as *Tim Sarno* expressed it was that the resources may not be available to do this kind of work.

Jim stated they are applying for funds to help as the accurate numbers obtained from a Census is essential for taxation, E911, and voting.

Chairman Smith - added there are two present on the 911 Board who have been sending additional information out with tax notices such as how many are in the house at the same address and if you have rental units, how many units and how many people.

Jim added, during the 1990 census many were missed nation wide especially within the rural part of the State. In Garfield County alone, over 4% were missed which gives lousy numbers forever.

Mildred stated that in 1997 she needs to re-precinct and will be needing updated information.

Jim will provide this information as soon as possible.

Jim added some advice for the census stating it is essential to keep up the maps, the infra structure is the important thing. The Census Bureau will be sending the maps that they have; the Commissioners should annotate on these maps and update. *Jim* added he is contacting the counties hoping they will get a census map to the State early. This is mainly a clerical task and it is not a simple one. As for Congress, that is a federal task but will not change in time.

Tim Sarno - stated that this all sounds overwhelming, however if it is approached as intra-governmental with Rifle, Glenwood and Carbondale then they can put the burden on the Census Bureau by giving them the information. If possible to provide a staff person for a period of time to coordinate the effort, that is the key. He stated he felt it would be for a brief intensive period of time but after a point, the burden would be on the census person. *Tim* stated, to count the people is most essential element for government. *Tim* addressed the issue that this County pays the price if the Federal government drops the ball.

Jim handed out information regarding "Local Economic Information and Forecasting Assistance" which was provided by the Demography Section of the Colorado Division of Local Government in support of Regional and County Economic Planning or Design Projects" which outlines the responsibility and purpose.

Christi of Healthy Mountain Communities and Carolyn Patton, member of the planning staff for the Forest Service were given as contacts to Jim.

Chuck stated that he perceived the Board of County Commissioners being the ones to review the data.

Jim stated he not only wants some one to work with to review the data but to also sit down with and obtain assistance with the leg work.

COUNTY ADMINISTRATOR

Chuck Deschenes presented the bills and payroll.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the bills and payroll as submitted. Carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd was not present to give a report.

LIQUOR LICENSE RENEWALS: RED ROCK DINER, INC.; CATHERINE'S LIQUOR STORE; CITY MARKET - BATTLEMENT MESA; BURNING MT. RV PARK

Mildred Alsdorf presented the liquor license renewals and affirmed there had not been any complaints on either of the these making applications. She further clarified that grocery stores in Colorado cannot have liquor licenses. Therefore they are limited to 3.2

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the renewal of the liquor license for Red Rock Diner, Inc.; Catherine's Liquor Store; City Market - Battlement Mesa; and Burning Mountain RV Park. Motion carried.

PUBLIC HEARING - ABATEMENTS: GREAT WESTERN AIRGAS; DAVID W. & CONNIE F. HICKS (4)

The following abatements were submitted for the Commissioner's approval and signature. Great Western Airgas for \$ 4,814.81 for interest on personal property; and four (4) abatements for David W. and Connie F. Hicks each for the same amount of \$1,249.39.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the abatements as presented. Carried.

Resolution - Evans Exemption

Mark Bean presented a Resolution concerned with amending Resolution No. 96-23 regarding an exemption from the Definition of Subdivision for Billie Birchfield Evans and requested the Chair be authorized the sign.

A motion was made by Commissioner Arbaney and seconded by Commissioners Mackley to authorize the Chair to sign the Resolution as presented. Motion carried.

Proposed Resolution - Los Amigos

Don handed out a letter dated May 17, 1996 and a proposed resolution which is to be the focus of the public hearing on Los Amigos. Don stated this is a negotiated item as there is a three year limitation under the statute but can be extended by agreement. He stated the Commissioners granted Aspen Glen a similar situation.

Mark stated some people will argue this was a PUD and that the final plat is their vested right. As Don stated the County can negotiate under the statute as it applies to counties.

(CONTINUED) PUBLIC HEARING - PLANNED UNIT DEVELOPMENT MODIFICATION TO THE LOS AMIGOS PUD TEST AND PLAN MAP, LOCATED APPROXIMATELY 2 MILES SE

OF GLENWOOD SPRINGS OFF COUNTY ROAD 114 APPLICANT: LOS AMIGOS RANCH PARTNERSHIP

Larry Green, Greg Bocker and Tim Thulson presented. Regarding past issues raised in public meetings, Greg Bocker and Thomas Neal decided to proceed with the amended PUD previously submitted and in addition provided the Commissioners with a draft of a proposed Resolution for approval.

Don labeled this as Exhibit Q and Chairman Smith entered it into the record. It is a proposed Resolution continuing some conditions intended to serve a two-fold purpose - (1) set forth conditions added to the Los Amigos PUD and (2) if not acceptable, provides some language for discussion purposes. This resolution is patterned after other PUD's that the Commissioners have approved in the past, for example Aspen Glen. The Resolution concerned with the approval of the application of the Los Amigos Ranch Partnership for Amendment to the Los Amigos Ranch Planned Unit Development Zone Text and PUD Plan and Approval of its Development Plan was discussed in detail and changes were made under the conditions of approval regarding road impacts. Repeatedly, the applicant referenced a northbound left-hand turn "pocket" and this was changed to "lane"; and the UTILITIES section was moved to PHASING.

School impact fees were discussed and a new map was presented marked as Exhibit R. *Chairman Smith* entered Exhibit R into the record.

Additionally, the cost of road impact fees was discussed at length. A \$200 per unit road impact fee was established based upon pending analysis by Peter Nichols and Dennis Stranger.

Larry Green clarified that the idea is that a road impact fee would be set at a ceiling of \$200 per unit, however, if Peter's formula comes in smaller, Larry would expect to pay less per unit. If more, then the Commissioners are locked into the \$200 per unit. Additionally, this fee amount would be imposed on other developers on County Road 114. If this is agreed, Los Amigos would accept the road impact fee.

Don suggested the road impact fees are normally paid at the time of final plat.

Larry again stated Los Amigos wanted no greater/no lesser than any other development firm on County Road 114.

Mark Bean added the road impact fee would be imposed to other developments. Roads feeding into County Road 114 are affected. For example Red Canyon, however the formula will address the section of road being impacted.

The central sewer was discussed and *Don* stated the State has not formally reviewed this application. And further the Commissioners cannot recommend it for waste water unless the State comments favorable.

Then it can be approved by the Commissioners. *Don* further stated, the State was still not impressed with the sewer system.

Larry commented that Los Amigos would agree to follow the law.

Don pointed out that under WATER SUPPLY No. 20 ..."with each preliminary plan submittal"....

Larry suggested to do preliminary plan on a phase basis.

Don stated preliminary plan should be tied to the project. Some can be done in phases, however he was opposed to having multi preliminary plans.

Greg Bocker explained they wanted to go one plat at a time and this works well for some acreage. Los Amigos staff is walking out the property and staking.

Mark again expressed that his main concern is the sewer system. If a partial plan is submitted, the Department of Health will want to see it also.

This issue of vested rights for a period of 14 years was discussed. However, the type of language that needs to be put in from the State or local area should be clear. The preliminary plan may be required at some later date.

Don added vested rights limit the ability to go into issues after the fact such as land use or zoning.

Mark asked about the vested rights at the time of building permits. In this case you are vesting rights at the time of the site plan.

Don added the statute does permit this.

Larry stated there is within that statute, if we do not meet the preliminary plat then it is not vested. Vested property rights gives the developer, the county, the city the opportunity to come in and say the last one-third needs to be dedicated as open space.

Commissioner Mackley stated in order to have vested rights, the Commissioners need to see what it is they want vested.

The issue of vested rights was not solved, rather tabled until a later date.

Larry suggested for Los Amigos to be allowed to preliminary plat in three (3) phases. Phase one (1) would include approximately 40 lots all served by central sewer; Phase Two (2) would include everything else;

and Phase three (3) would include the high density development of the 80 units. Exhibit S was submitted showing the plat with a 40 foot side yard. Exhibit S was admitted into the record by Chairman Smith. It was agreed that Don and Larry would work on a phasing plan, make changes, have the Board of County Commissioners approve in concept, and request for approval based upon conditions in a Resolution of approval. He suggested this be brought to the next meeting of the Commissioners.

A motion was made to close the public hearings by Commissioner Arbaney and seconded by Commissioner Mackley. Motion carried.

A motion was made by Commissioner Mackley to continue consideration of the PUD for Los Amigos and direct staff to prepare a Resolution to approve. The date set was June 3rd at 10:45 A.M. Commissioner Arbaney seconded the motion; carried.

Executive Session - County Landfill and Relay Station

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to go into an Executive Session to discuss the County Landfill and Relay Station litigation. Motion carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session. Motion carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign the settlement agreement once all other party signatures are received and to have Charlie Willman review the agreement. Motion carried.

Adjournment

A motion to adjourn until June 3rd was made by Commissioner Arbaney and seconded by Commissioner Mackley; carried.

Attest:

Chairman of the Board

JUNE 3, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 3, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator - Chuck Deschenes and County Clerk and Recorder - Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR

Reorganization

Chuck Deschenes presented his report. Lisa Cain is leaving at the end of this week and Rebecca Weller is transferring to Building and Planning. Chuck wanted to have input for the future regarding reorganization. Chuck feels he needs some type of an administrative assistant. His position demands have increased and wanted to obtain some directions for the future.

Chairman Smith mentioned the cost of salary for someone that goes beyond the clerical work into middle management.

Chuck stated that Lisa has been approached about doing some part-time work at home to complete the pay increase study. Lisa was a very capable person and the Commissioners were very pleased.

Jail Budget

The Jail budget as a whole was discussed in regard to some salary raises to compensate job titles and responsibilities. The Commissioners stated they are limited to budget control and as long as the Sheriff is staying within the budget line it is not a violation. They could express their displeasure but beyond that they are limited. Chuck indicated there was time before this had to be turned into payroll and more explanation could be obtained.

Fairgrounds Gate

Chuck Deschenes and Mike McBreen were present. Chuck reported on the bidding process for the Fairgrounds Gate.

Mike stated Strouse is willing to do it for the price quoted, however others said they could use the old stone at a lower cost also. He reported the bid went out with the options of using the old stone and/or new stone. Isley is the one who had called Mike and voiced a concern. Mike had informed Isley of the bid amount. Strouse affirmed he could start the construction June 10th.

A motion was made to award the bid to Strouse Masonry by Commissioner Arbaney. Commissioner Mackley seconded the motion; carried.

The other issues were a discussion on the construction of the fence and the plans were confirmed; the fence would be 60 feet from the original gate with a 24 foot opening.

CORRECTED PLAT - RIFLE

Carolyn Strautman and Dennis Stranger presented: Carolyn stated she was representing UNOCAL and/or the City of Rifle. Carolyn works for Leavenworth and Lockhead who works for both UNOCAL and City of Rifle. This regards an error in signing the Plat for County Road 295. Carolyn stated that half way through the process there was an error. Only Parcel B was to be annexed. She stated what needed to be done was to delete all references to Parcel A and amend the Plat. The Plat has a plat note that clarifies the amendment. It is a minor thing for the County as the County is getting rid of a road.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign the Resolution which corrected the plat. Motion carried.

Annexation Petition

Carolyn Strautman and Dennis Stranger presented a Petition for Annexation from the City Council of the City of Rifle for approval and signature of the Chair described as County Road 295.

A motion was made by Commissioner Mackley to authorize the Chair to sign an Annexation Map for County Road 295 and the Petition as presented. The motion was seconded by Commissioner Arbaney. Carried.

Fire Fighters Memorial

A draft of a letter to Judge Fred W. Rodgers of Crook County Court in Prineville, Oregon was presented for the dedication of the Wildland Firefighters Monument for the Commissioners to review.

KN Energy

A motion was made by Commissioner Arbaney to send a letter signed by all three Commissioners to Lee Hines of KN Energy to support having a local phone number for improved customer service in the area. Chairman Smith stepped down as Chairperson to second the motion; carried.

County Road 139

A letter drafted to Kenneth M. Gambrill, Manager of the Office of Environmental Review and Analysis for Colorado State Department of Highways' support of the use of Public Lands Highway Funds for the widening and improvement segments of State Highway 139 between Grand Junction and Rangely was presented for the Commissioners review and signature.

A motion was made by Commissioner Arbaney to authorize the Chair to sign a letter to support the widening of County Road 139 as presented. Commissioner Mackley seconded the motion; carried.

Fairgrounds Agreement - Mexican Rodeo

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the chair to sign a Fairgrounds Agreement for Aero 8 Dream to use the Fairgrounds on June 21, 1996. Carried.

Roaring Fork Forum

Chuck announced the Roaring Fork Forum will be meeting on Thursday, June 13, 1996 in Room 301.

Board of Health Meeting

The meeting with the Board of Health set for June 19, 1996 will not have either one of the Commissioners represented. This meeting conflicts with the Employee Pot-Luck Recognition function. Chuck will write a letter advising the Board of Health of the conflict in scheduling.

Terminating the Access Committee - BLM

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to write a letter to Mike Mottice asking for a meeting to discuss the subject of terminating the access committee agreement but to consider keeping the Board as the Commissioners felt there was a purpose for that to continue due to the growth in the population of the area and a faster response time when access conflicts arise. Motion carried.

Veteran's Service Contract

Chuck presented the contract from January 1, 1996 through December 31, 1996 between Pitkin County and Garfield County to provide services to Pitkin County Veterans for a total sum of not to exceed \$3600.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign the Veteran's Service Contract to provide services to Pitkin County Veterans for a total not to exceed \$3600. Motion carried.

Fixed Asset Deletion Sheets - Airport

Chuck presented the fixed asset deletion sheets for the Airport stating some of the equipment dated back to the early 1980's. He stated this was more or less clean up work .

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign the capitol asset deletion sheets for the various equipment at the airport. Carried.

Courthouse Steps

Chuck reported on another accident on the inside courthouse steps. A lady tore her shoulder in the fall according to Mike. Chuck stated he had received a number of suggestions but wanted Commissioner input. Discussion was held regarding putting a middle handrail or some type of anti-skid tape on the bottom steps. It was also reported that some have complained about catching their heels on the metal rims. Mildred Alsdorf suggested that department heads should be notified if they see or know of someone who has fallen and have the individual checked out by a doctor to protect the liability of the County. In addition the Commissioners stated there should be a definite policy to this effect and instructed Chuck to put out a memorandum to employees regarding the procedures. Chuck Brenner was to be contacted to come in and determine if there is enough super structure to support a middle handrail and if so to design the middle handrail.

JAIL DISCUSSION

Sheriff Tom Dalessandri was on vacation, however Deputy Jim Sears presented as the Sheriff's Deputy in charge. County Operations Dale Hancock, Jail Advisory Board Al Maggard and Dave Sturges were present.

Jail Count

Total in jail - 84. 34 main jail; 37 Work Release; 7 females; 4 other jails; 1 Home Detention; 0 Day Reporting; 1 State Hospital; 0 in DOC.

Case load has dropped in the women's section.

Jim stated on June 1st there was a total of 83. 32 in main jail; 38 Work Release; 40 in other jails; 1 Home Detention; 1 State Hospital; and 7 females.

On June 2nd a total of 84. 32 in main jail; 39 Work Release; 7 females; 40 in other jails; 1 Home Detention; and 1 State Hospital.

Wage Increases

Chairman Smith asked Deputy Sears to explain the pay increases that were being requested. Commissioner Mackley wanted feedback on the wage line item.

Jim Sears presented the memo and corrections on the wage line item and reported these were three new corporal positions but there were only two position upgrades. The new corporal positions stem from the need to meet code requirements of supervision levels at the jail.

Jim stated he would obtain some figures from Barbara Sunderland in line with this discussion of wage line items and the prison boarding and get back to the Commissioners sometime today.

Jail Update

Dale Hancock reported he has not heard from the State Geologist on the Chatfield Property. Chairman Smith gave Dale some papers that showed Montana having to have community public meetings on their jail site location. Dale stated there were others in the Wyoming area under the same similar situations.

Communications Update

Dale reported that last week he, Tom Dalessandri, Jim Stevens, Conrad Trammick from State Telecommunications had a meeting and looked at the kind of equipment they will be ordering to fill the grant cycle. Dale wanted to alert the Commissioners that they will be looking at some pretty high figures for the equipment purchase. These funds are reimbursed in arrears.

Channel 20

Dale mentioned he had a meeting on June 4th with the Channel 20 people checking at Anvil Peaks to ensure there was not a technical problem since this is the site that will be powered up due to the ambulances using the signal. Dale stated this is being done in case Channel 20 should select to purchase or

lease equipment the County has on Sunlight or the West end sites as this is their main interest to bring their programming into Rifle, New Castle, Silt, Parachute, Battlement areas and points West.

Community Corrections

Al Maggard reported the next Board Meeting was scheduled for June 13th. He stated the Committee is in the process of taking a more active part in the placement of prisoners in Community Corrections. The Board has established a Screening Committee expected to start July 1st so that will review everyone sentenced before they leave. Al reported Community Corrections lost two beds allocated originally for the coming year. Now there will be 19 beds versus 21 beds. The growth patterns indicates they could use the 21 bed spaces. So this is even more critical that the screening committee look at each possible candidate for the program. Attorney Colleen Truden has been appointed the Chairman of the Screening Committee.

Forfeiture Funds

A check was presented to Chairman Smith for signature from the forfeiture funds to purchase light bars for the Sheriff Department vehicles. Chairman Smith stated that prior to signing checks she would request monthly printouts of the forfeiture funds. Jim Sears stated light bars alone can cost of up \$700 each and this purchase included cages and light bars for \$833.

The Commissioners agreed that Chairman Smith should sign the check for the purchase as this was within the Sheriff's line items in the budget.

COMMENTS FROM CITIZENS NOT ON AGENDA

Joseph Vaughn of 132 Ulen Blvd, Lebanon, Indiana and Thomas Cox, POB 243, Goshen, Kentucky appeared before the Board.

Mr. Vaughn stated Mr. Cox had asked him to work on the development of a financial program for the eventually development of the grand hogback mining venture. Tom has acquired the right to the property and there is a three year process before anything can be done with it as they are submitting all of the planning that needs to be accomplished. Ultimately, they are going to try to secure from the County the revenue bond issue to assist in the development of this project. The initial study is to request a resolution for it basically to start the process, then have the appropriate public hearings as the project is more fully developed. There are a lot of things that come in after the initial resolution.

Mr. Cox stated that this is a three-stage project, the first part is the permitting phase which may or may not happen and will ultimately preclude their doing the project. Thirdly, they have to go through the steps and are thinking somewhere in the neighborhood of 30 - 32 months to obtain the permit and begin the development. Mr. Cox stated it will potentially be a 45 million dollar project and an estimated 150 top paying positions with a payroll of \$5 - 7 million annually. In addition he termed this an economic development project which will provide a lot of job opportunity and for use of the energy at the grand hogback. He stated their market is principally two mining firms who have long term contracts on the East coast. There is a possibility of shipping overseas also. One of the firms does have a long term contract with an overseas utility. The engineering phase has not been made however, a number of studies have been made in the past by very reputable firms that he has relied upon to make his initial decisions. During the permitting process there will be updates from the firms that will be retained to give the kind of advice they need to do.

Don DeFord stated they presented him with a very detailed summary of their position and after Don looked at it he requested they not present it to the Commissioners at this point because they will have to come through the County's public hearing process.

Mr. Vaughn stated he was aware that this was a very controversial issue.

Don requested the time frame with the permitting on land use by the county.

Mr. Vaughn stated they would start with an initial Resolution and the permit process would be started sometime after the revenue bonds were ready for issue. The permitting process would take somewhere between 24 - 30 months.

Chuck clarified that the revenue bonds of approximately \$45 million would be collateralized by governmental securities and would be a traditionally taxable issue.

EMPLOYEE OF THE MONTH

Wanda Berryman was awarded the employee of the month. A marked parking spot for the designated Employee of the Month has been assigned and marked off in the East parking lot. This was added as an award and whomever is honored will have that privilege for the entire month.

DEPARTMENT HEADS

Building and Planning

Extension - Cox

Mark Bean presented a request for Paul and Linda Cox to add 120 day extension to their final plat.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve the 120 extension for Paul and Linda Cox. Carried.

County Administrator - continued

Fairground Board

Chuck presented a request to have two more members appointed to serve on the Fairgrounds Board, Casey Binger and Mike Barnes.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to appoint Casey Binger and Mike Barnes to serve on the Fairgrounds Board. Carried.

City of Rifle Sales Tax

Chuck reported he had an interesting dialog with City of Rifle on sales tax and entertainment tax of 2 1/2% which has never been enforced except for movies. The discussion included 4 H and determined it was educational not entertainment, therefore, the 2 1/2% tax did not apply.

Bills and Payroll

Chuck presented the bills for the first run of May 1996.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the bills and payroll as presented. Carried.

DEPARTMENT HEADS-CONTINUED

County Treasurer - Te-Ke-Ki Property

Georgia Chamberlain presented requests on Te-Ke-Ki and Aspen Crystal River Estates property. Her understanding is that these lots are owned by the County under a Treasurer's deed. Her understanding of the statute states when they are sold it is by public auction. The Commissioner are not obligated to sell but if they do, then it should be by public auction.

Chuck stated he has received two letters to sell this property. The money the County would make with the sale of the property would be offset by having to improve the roads. Commissioner Arbaney clarified that there was some misunderstanding. One group that wants to build up there is banking on the fact that the railroad would sell their right of way to the group up-valley and gain access across the railroad. At a meeting the other day it was made clear that the Railroad Holding Association would maintain the same attitude as the State does at the present. No more access other than a ditch grant on a verbal basis. By granting more crossings it could make it less attractive for the railroad to approve the 27th crossing planned for the continuation of the By-Pass to Hwy 82.

Commissioner Arbaney and Chairman Smith both indicated they were not interested in selling the property at this time.

Jeff Parker of 1342 Barber Drive, Carbondale stated when the Commissioner do sell the property, he feels that the Commissioners are not granting any right-of-way. He is not saying they should sell the lots, but feels an access is not guaranteed.

Chuck indicated if someone wanted to purchase the lots, then they evidently have a use for them and if that use is residential then it creates a problem.

Jeff Parker owns lots in the area himself.

The Commissioners requested Georgia to indicate they were not interested in selling at this time. However, when the time comes it would have to be through a public auction.

Clerk & Recorder

Mildred Alsdorf presented information concerning a new liquor license that will be presented by a new lessee at the Huemart location. This requires an assessment of the needs and neighborhood boundaries. The former owner lost her lease.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to establish the boundaries for the Thunder River Liquor License formerly Huemart as going down County Road 154 to Westbank, to Cattle Creek; County Road 114 and County Road 115 to the Creek and not the road, the North to where the creek crosses at County Road 114. Motion carried.

CONSIDERATION RESOLUTION OF LOS AMIGOS RANCH PARTNERSHIP

Mark Bean, Attorney Larry Green and Don DeFord were present. Don suggested to re-open the Public Hearing.

A motion was made to re-open the Public Hearing for Los Amigos. Seconded by Commissioner Mackley. Carried.

Larry Green presented and passed out copies of a draft of a proposed Resolution. This was entered into the record as Exhibit - A-1 and marked as *draft*. Larry stated that after the last time he was here they re-drafted the wording. Larry stated it had been revised and the documents in Exhibit 1-A contains the changes as discussed with this Board and those requested by staff and by the Los Amigos Partnership. *Mark* stated he had two issues to address: The first was on page 6 of the draft resolution - Road Impact fees - at the time of each Final Plat approval, a fee shall be paid to the County in such an amount as shall be established by the Board pursuant to a road impact analysis to be accepted by the County at the time of each Preliminary Plan approval. Such fee shall be assessed as a per unit road impact fee based upon the estimated cost of two lane improvements to County Road 114 from its intersection with the highway frontage road adjacent to Highway 82 to its intersection with the entry road to Auburn Ridge housing project. The road impact analysis accepted by the County as stated may need to be modified to reflect current costs, and shall be incorporated into all future analysis used by the County in quantifying road impact fees in the County Road 114 corridor. Payment of said road impact fees, shall be expressly conditioned upon the assessment by the County, at the time of Final Plat, of proportionately equal road impact fees upon all subsequently developed properties accessed in whole or part by County Road 114.

Open space issue was clarified as common open space areas shall be dedicated by the applicant to the Los Amigos Ranch Homeowner's Association in an amount that maintains a 50:50 ratio or greater dedicated open space to developed land. The dedication of open space shall coincide with the approval of the applicable final plat.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to continue this until June 10, 1996 at 4:45 P.M. leaving the public hearing open. Motion carried.

(CONTINUED) PUBLIC MEETING - DISCUSSION OF OAK MEADOWS WATER AND SEWER SYSTEMS

Don DeFord, Mark Bean, and Robert Delaney were present. Updates were presented on the waste water discharge permit and a copy of the engineering improvements for waste water was submitted to the Colorado Department of Health. Robert Delaney stated a number of letters have been exchanged. Site inspections have been held and additional conditions were imposed. Three more monitoring wells are required and those are in the process of being drilled this week. However, a 60 - 90 day extension was requested.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve an extension setting this on the agenda for September 3rd at 2:00 P.M. Motion carried.

COUNTY ATTORNEY

Sunlight Bridge Property

Don DeFord gave an update on the property by Sunlight Bridge. He stated he appeared before City Planning and recommended re-zoning. Mr. Gerbaz was not prepared therefore the issue is still tabled and re-scheduled in two months. Don spoke to Mr. Gerbaz and the only thing he needs is a landscape plan.

Beaver Creek and County Road 320

Don reported he and Commissioner Mackley met with Mike Mottice of BLM on Friday regarding the cattle congregating along the County Road due to a need for water. Mike Mottice of BLM will write a letter and inquire of the current status and at that time the Commissioners will explore options however, legally, Don stated with regard to rangeland and fence/cattle guards, you simply declare the area to be open range when you have a problem. He further stated this is an option and the Commissioners can make this declaration.

Open Fire Ban - Ordinance

Don presented that he had discussions with three other counties including San Miguel, Gunnison, and Mr. Dennison from the Forest Service. What he hoped to do was to present a draft of an Ordinance for the Commissioners to review at this meeting. However, Don found that very few counties have actually enacted an ordinance under the current legislation. They have Resolutions instead. Until 1994, Resolutions were permitted however, they did not carry statements of law, rather enforcement of policy. There are three Counties in the process of getting Ordinances drafted and preparing for First Readings. San Miguel and Gunnison Counties. He stated he looked at these Ordinances in hopes that there was something he could use. After looking at the sample Ordinances, Don stated he discussed the Ordinance with Milt Blakey since his office would be responsible for prosecuting violators. Milt was not happy with any language in the drafts and expressed one concern which was two-fold: he perceived it was unlawful delegation for the Board's authority to impose a ban to the Sheriff's department; and secondly a lack of standards on which to judge whether a violation has occurred and whether or not the Board had the authority to impose the ban. Don stated the legislation states an Ordinance can be put into place based upon competent evidence of a fire hazard. And this authority is reserved for the Board. After talking to Dennison, Don's recommendation was to adopt an objective standard established by Ordinance that states under certain conditions the Board can declare a ban on all open fires except fireworks. Mr. Dennison will be faxing the standards and Don will submit this at the next Commissioner's meeting on June 10th. The way this will work is for the Commissioners to adopt the Ordinance and then when the need arises the Board can adopt an open fire ban via Resolution and the Sheriff can enforce it.

Executive Session - Personnel/DOSS and Federal Court

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session to discuss the Personnel issue with the Department of Social Services and status and update of the Federal Court. Carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd handed out the written and provided his oral report.

King presented a proposed agreement between the U.S. Department of Agriculture Forest Service and Garfield County that sets forth the general terms and conditions for the cooperative planning, survey, design, construction, reconstruction, improvement, and maintenance of certain Forest Development Roads in Garfield County pursuant to the provisions and regulations issued by the Secretary of Agriculture. King stated there are a few roads that the County maintains that are not shown on the map. He has given the proposed agreement to Don DeFord to review. Don is looking into the language addressing safety such as narrow rights-of-ways or existing conditions that the County would be liable for that are beyond their control. King added that the map has been colored in order to illustrate the County Road better. There is an itemized sheet in order to give the Commissioners an overview. Liability is determined by who owns the right-of-way. King proposed to delay this until next meeting. This was set as an agenda item at 2:00 P.M. on June 10th as the Forest Service Agreement.

The Veterans Memorial Park was set for 2:15 P.M. also on June 10th.

King had a Grader Motor's Training in cooperation with several counties. King stated this was a three-level training with CSU.

Landfill

King stated within his report he provided the daily detail of the construction costs of the cell at the landfill with a synopsis at the end which Commissioner Arbaney had requested at the last Commissioner's meeting. Something that appears in these costs that has never been in the construction costs before was due to the stipulation in accordance with Sub-Title D stating the County must now go in with a liner in the cells which adds additional costs and it is to be made out of native material. King stated he has submitted the letters from the Department of Health and is still negotiating with them on the "liner constraints," but he is complying the best as he can. The description of the liner is broken out on the last page. King stated they had previously discovered some natural clay material on the land they were negotiating to buy with BLM but there was enough fossils that BLM wanted to take it out. However, in the process of improving the run-on drainage they found some clay material deposits to do a 12" liner at bottom of the new cell. The Cubic yard cost is \$1.08. This is the first cell to build without contracting out. King stated some other items affected the costs that ended up with drainage problems.

Barrett was having trouble with roads, so the extra material for the entire length of road was raised.

Open Range

The possibility of having open range were discussed. The Commissioners requested open range signs be placed on each end of the County Road 320 just before Beaver Creek and near Rifle Village south .

Used Tires

King stated he had been approached by two tire facilities to purchase tires from the landfill. A new technique has been developed to grind tires at 1/3 of what the others had developed. The offer presented is 65 cents a tire delivered to his facility in Wichita, Kansas. King added the industry only accepts passenger tires. Since it is up to the County to get the tires at the facility the cost determined to ship the tires versus cut and bury them at the landfill was questionable. The other facility that approached the County would charge 90 cents a tire and they would be in charge of shipping.

Chip/Sealcoat Workshop

King was instructed to set up a meeting to sit down with the Town of Parachute to go over the chip/sealcoat and overlay with the Commissioners versus waiting until a regular meeting. The date and time was set for June 11 at 9:00 A.M. as a workshop in the Parachute Town Hall; then allowing time of personal agenda's to tour the Parachute roads.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Arlene Piaz from the U.S. Department of Health and Human Services and Director of the Head Start Program in Garfield County was present to give an update. Her headquarters are in Rifle and the presentation included the fact that Head Start has been located at Wamsly Elementary for the past three years. However, new regulations are in place and the program is not able to use this classroom. Consequently, the Head Start Program is looking for a building. The VIP Real Estate Building has agreed to lease to Head Start, therefore beginning in August they will be moving into a new facility.

Arlene Piaz briefly explained Head Start's Goals and Objectives stating it is a child development program for low income for those families whose income is at the 125% poverty level. She added that 10 children can be over income and 10 with handicapping needs. There are Programs being operated in Carbondale and Rifle. The age group served are 3 and 4 year olds and the target established is the non-English speaking. The children that are eligible learn how to build social skills, receive medical and dental screening and care and concentrate for the preparation and entry into elementary school. Head Start also furnishes transportation; is Government funded; and grants are written yearly to support the program. The enrollment of eligible children is 68 operating on a double session. The morning session is given breakfast and snack; lunch and snack is provided for the afternoon classes. Documentation and evaluation has determined that Head Start graduates have fewer pregnancies and fewer in prison.

In regard to the upcoming move, Arlene is contacting the building planners as well as the fire and health inspectors. She stated they also must fence the outside area for play. Arlene thanked the Commissioners for their support of the Head Start Program.

Chairman Smith suggested Arlene contact the Journal and Glenwood Post and let them have the information regarding the move as well as to do a "human interest success story."

Personnel Action Sheets - Sheriff's Department

Deputy Sears from the Sheriff's Department answered the concern regarding the line item in the budget that was 76% over budget by stating this covered major sick leave as well as those that were in training.

With that information, a motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign personnel action sheets for Scott Dawson and Ruby Richardson. Carried.

PUBLIC HEARING - SPECIAL USE PERMIT - KENNEL - LOCATED APPROXIMATELY 3 MILES SOUTHEAST OF PARACHUTE OFF OF CR 301 APPLICANTS: MONTE AND LINDA O'NEAL

Eric McCafferty, Monte and Linda O'Neal were present. Eric verified the proper notification was posted and mailed to neighboring landowners.

Eric McCafferty presented: This is a special use permit for a Dog/Cat Kennel on a 45 +/- acre tract of land located approximately four (4) miles east of Parachute, on the north side of County Road 301. The kennel would house up to seventeen (17) dogs and six (6) cats, in a structure with approximate dimensions of 35 feet by 50 feet. The kennel would be a separate structure, located approximately 100 feet behind (north of) the existing residence. Exhibits A - Proof of Publications; Exhibit B - Returned Receipts; Exhibit C - Application and all attachments; Exhibit D - Project Information and Staff Packet; Exhibit E - Guideline on Individual Sewage Systems; Exhibit F - Copy of Garfield County Zoning Regulations. Chairman Smith admitted these Exhibits A - F into the record. Exhibit G - the well permit was submitted and admitted into the record also.

Recommendations:

Staff recommends approval based upon the following conditions:

1. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
2. The kennel shall be completely enclosed within a building that prevents any sounds from emanating from the property boundary. An outdoor exercise area may be allowed, so long as no noise complaints are received by the operators of the kennel or the County.
3. No dust, noise, odors or source of filth shall emanate from the property.
4. An individual sewage disposal system capable of handling all waste for the kennel shall be installed and documentation of this fact shall be provided to the Planning Department, prior to final approval of the Special Use Permit.
5. A legal supply of water for the kennel shall be secured by the applicants and documentation of the legal water supply shall be submitted to the Planning Department, prior to final approval of the Special Use Permit.
6. No outdoor dog runs will be allowed.
7. Only one (1) sign may be allowed on the property which is further subject to all provisions of Section 5.07 of the Garfield County Zoning Resolution of 1978, as amended.

8. All construction of the building and attendant facilities shall be subject to County permitting and the Uniform Building Code of 1994, as adopted.
9. The Special Use Permit for the kennel shall be issued upon demonstration that the applicants have satisfactorily met all conditions of approval contained herein.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to close the public hearing. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve a special use permit for a dog/cat kennel for Linda & Monte O'Neal as described in staff packet with all suggested findings, major issues and concerns, and recommendations as read into the record. Carried.

Boyd Plat - Ranch at Roaring Fork

Mark Bean presented and explained a boundary line adjustment request for the Commissioner information. Mark reported this would come before the Board in the next several weeks. This involves the Ranch at Roaring Fork boundary line adjustment and a letter from Dan Kerst had been received.. The amended plat of the Boyd's involves the Ranch at Roaring Fork giving up one side of the River to exchange the property on the other side. Both parties are in agreement.

This eliminates the controversy between the Boyds and the Ranch at Roaring Fork.

CORPORATE CHANGE OF RELAY STATION

Attorney Richard Cummins called at 3:15 P.M. to request a continuance of Don DeFord.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to continue this agenda item until June 17, 1996 at 11:00 A.M. Carried.

PUBLIC MEETING - AMENDED FINAL PLAT FOR MEAD SUBDIVISION EXEMPTION **APPLICANTS: NORMAN MEAD, ET AL**

Eric McCafferty presented the amended plat for the Mead Subdivision exemption. Eric reported the amendments meet the regulations and explained the plat. This involves approximately 160 acres. Eric could not find Resolutions to indicate any more than 4 exemptions.

This was approved for submittal to the Building and Planning Department for finalization of the plat.

Burris Plat

A motion was made by Commissioner Mackley and seconded by Commissioner Mackley to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for Levy and Jacque Burris. Carried.

(CONTINUED) PUBLIC HEARING - AMENDMENT TO RESOLUTION 81-384 APPLICANT: **WEST SLOPE AGGREGATES**

Mark Bean, Attorney Sherry Coloia, Sean Mello and Bill Roberts were present.

Mark presented the landscape plan that he had received on Friday, May 31 as well as the Environmental Engineering Dynamics study comprised in a letter to Sean Mello signed by Stuart D. McGregor Of Engineering Dynamics.

Sherry Coloia - requested a continuance to have the report reviewed by an expert.

Chairman Smith approved Mr. McGregor to continue.

Mr. McGregor presented the Noise Study - Exhibit U. Exhibit V - the Landscape Plan was also submitted.

Both Exhibits were admitted into the record by Chairman Smith.

Bill Roberts 1112 Willow Lane, Carbondale stated he never perceived this to be a Court Hearing.

Mark Bean explained that it was a legal hearing under the Quasi hearing rules and the Board of County Commissioners acts as the judges.

Howard McGregor - Engineer, 3925 South Kalamath, Denver - went over the report thoroughly and explained the process to determine his report.

Sherry A. Coloia presented a study of truck noise prepared for Ranch at Roaring Fork by Engineering Dynamic using a proposed access road. Chairman Smith labeled this as Exhibit W and submitted it into the record.

The following individuals spoke regarding the noise levels and their concern on the impact at Ranch at the Roaring Fork.

Jimmy Diehl 108 Ranch at Roaring Fork - traffic going to Aspen;

Carol Wolffraat 0118 Stagecoach Dr. Ranch at Roaring Fork; regarding the weather condition on test day. Exhibit X - Amended plat was accepted into the record by Chairman Smith.

Sherry Coloia - Inquired on the estimate on the other access, Road 103 and to the cost of reconstruction.

Sherry Coloia made a motion to have a continuance regarding the noise study and an analysis.

Commissioner Mackley stated the study was done by a qualified sound engineer, Mr. McGregor who had been previously recognized in Garfield County hearings as an expert and therefore would not accept Ms.

Coloia's motion. Commissioner Mackley further stated they did not need experts to argue with experts.

Chairman Smith stated she too felt that it was a fair hearing. Commissioner Arbaney stated he felt that Attorney Caloia did a fair analysis, Exhibit W, and that she did understand the report.

Sherry Coloia argued for a continuance stating she felt they deserved a time to respond; further that it was unfair to the Ranch at Roaring Fork without a qualified comparison. Based upon this Sherry made a motion to continued.

Commissioners Arbaney and Commissioner Mackley both stated they would not approve a continuance.

A motion was made by Commissioner Arbaney to close the public hearing. Commissioner Mackley seconded the motion; carried.

Don DeFord stated the Commissioners have a total of 15 days to consider the evidence and make a decision.

Commissioner Arbaney stated he was capable of making a decision right now and Commissioner Mackley and Chairman Smith agreed they were also.

Commissioner Mackley stated that he sat and observed for one hour at the highway access in question and determined for himself that the highway noise drowns out the truck noise.

He added Western Slope Aggregates are considering not using jake brakes on this road to access Hwy. 82 but if they used County Road 103, the trucks would have to use jake brakes. Further, there is a safety issue on County Road 103 and in the past the Commissioners have talked about the potential of growth. Now, without a developed plan to deal with the growth that is occurring almost weekly, and regarding the potential development up on County Road 103, it is greater than at the Ranch of Roaring Fork.

Commissioner Arbaney - commented on the loss of money on road and bridge that the County has experienced; and stated the County has to maintain 103.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the request for the Amendment to Resolution 81-384 for Western Slope Aggregates with conditions as set forth in the staff packet which included: (1) That all verbal and written representations made by the applicants in the application and at the public hearing shall be considered conditions of approval unless specified otherwise by the Board of County Commissioners; (2) Jake Brakes will not be used, except in an emergency; (3) Hauling hours for the Highway 82 access will be limited to 7 a.m. to 5 p.m., Monday through Saturday, and the access to County Road 104 will be graded before and after those hours.

Additionally, no trucks will be allowed to stand idle on the highway or access road prior to the opening of the gate to the pit; (4) all other conditions of approval contained in Resolution 81-384 must be complied with by the applicant. Violation of these conditions could result in revocation of the existing SUP and; (5) That the applicant be subject to an annual review, with public notice as required by the regulations in place at the time of the review, to determine compliance with the conditions of approval; all suggesting findings by the staff; and additionally the five (5) stipulations by Mr. McGregor which were: (1) All trucks operating in and out of the WSA pit shall have and maintain stock muffler systems, that are performing to original manufacturers specifications. This can be determined and verified by a simple visual and auditory inspection of the truck; (2) All trucks ascending or descending the haul route shall not exceed speeds of 10 mph; (3) all trucks descending the haul route or approaching the haul route access on SH82 shall not use engine Jake Brakes to decelerate; (4) All truck drivers, independent or employed by WSA shall be briefed as to stipulations 1-3 above and shall agree to operate within the requirements of these stipulations; and (5) WSA shall set up a series of progressive consequences for drivers that fail to comply with stipulations 1 - 4.

Commissioner Mackley seconded the motion. Mackley - aye; Arbaney- aye; Smith - aye. Motion carried.

Adjournment - 5:45 P.M.

Attest:

Chairman of the Board

JUNE 10, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 10, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present was: County Administrator, Chuck Deschenes and County Clerk and Recorder, Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes presented his report to the Board.

GOCO

Chuck reported on Tim Sarno of DOLA regarding another grant mentioning this cycle has already been completed. October is the next cycle and it concerns construction. In a conversation with Tim, Chuck suggested to rebuild in certain sections of Mann Creek Road and correct the drainage problems. Tim seemed somewhat receptive to the idea.

C-DOT Commuter Rail System

C-DOT and funding by Garfield County was discussed regarding the commuter rail system. Garfield County's participation level is estimated at \$75,000. When the Commissioners first began it was downvalley commuters to go upvalley. Now it is classified as recreational. At the present time this issue will be tabled.

Rodeo

The Fairgrounds Committee is putting on a Rodeo and Chuck presented a Flyer. Chuck stated a rodeo promoter is putting it on for 1/2 the gate fee. This is an experimental project and there is a meeting on Tuesday evening where it will be discussed again.

Sales Tax Committee

Tuesday is a Sales Tax Committee meeting and Chuck added that he will be attending.

New Position - Work Release Crew Supervisor

The supervisor for work release is not attracting the law enforcement staff. Thus far Chuck has not been successful in finding someone to take on this part-time position.

Fairground Contracts

Chuck presented contracts for the Fairgrounds for the Quarterhouse Association.

A motion was made by Commissioner Mackley to authorize the stall and fairgrounds contracts for the Colorado Quarter Horse Association. The motion was seconded by Commissioner Arbaney; carried.

Re-organization

Chuck discussed the present goals of his administrative office. Chuck proposes to have Personnel have input as well. Lisa Cain would work with the County on a contract basis. She did put out a letter demonstrating interest in completing the salary survey. Chuck stated with his new part-time temporary personnel he would need assistance in covering the prioritization as well as reminding of specifics.

Employee of the Month - Fund-Raising Event

Mildred Alsdorf reported on the upcoming fund raising event sponsored by the Employee of the Month Committee. Mildred stated it started out to be a yard/bake sale but it is escalating into a car show, vendors are coming in to sell new items, face painting and hair braiding, food vendors, and the dunk tank. With these new developments, the committee has requested to have the City block off 8th street from Colorado

to Pitkin and Pitkin between 7th and 8th Streets. A letter has been drafted to Mike Copp, City Manager that needs signatures from the Commissioners to do it.

The Dare Car will be here and people will be coming in to make this a get-together. The money will be used for County Employees Christmas Party.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Commissioners to sign a letter to the City requesting the streets be shut down during this garage sale.

Motion carried.

Employee of the Month - Annual Employee Recognition Luncheon

Mildred Alsdorf announced the employee recognition luncheon on the 19th. She requested input from the Commissioners regarding placing a sign on the County door as well as placing an announcement in the newspapers that stated the Garfield County Courthouse Offices will be closed for two hours on June 19th from 11:30 a.m. - 1:30 p.m. for Employee Recognition.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to close the Garfield County Offices for two hours on June 19th for Employee Recognition Luncheon. Motion carried.

Resolution - Morgan

Resolution #81-261 was presented for an amendment for a legal description of property. The new Resolution 96-31 was presented for the Chair to sign.

A motion was made by Commissioner Arbaney to authorize the Chair to sign an amended Resolution No. 96-31 which was amending the legal description of property in Resolution #81-261 concerned with granting an exemption from the Garfield County Subdivision Regulations for Richard Morgan. The motion was seconded by Commissioner Mackley; carried.

Agricultural Phone Calls - Extension Office - Dave Gallagher

Dave Gallagher reported that he had been receiving calls directed from the Extension Office. Carol McNeel had stated to Dave that she had 25 phone calls. Dave mentioned he had eleven (11) inquiries on smut regarding wheat and these calls were referred. Seventeen (17) household calls regarding weeds to bugs and spiders in basement. Nine (9) calls for right-of-way and (6) of those were regarding picking asparagus. Dave Gallagher stated he is leaving Garfield County and his position as of August 1st. Dave stated he is ready to slow down, but not fully retire. A letter is going out to business and friends. He added that the business will continue. Dave will come out to Colorado about two weeks every three months to check on the business and lend a helping hand if needed. The loss of his wife is the main situation that prompted the move. Dave committed to providing the Commissioners with a full report before he leaves his post. He stated that 35% of Category 3 work is completed and he is currently working on Category 1. By the time he will go, everything will be completed with the exception of 5% on the Canada Thistle spraying.

Dave has ten years employment in this area and has been working with Garfield County since 1990. One thing he is pleased with is keeping the taxpayers content.

Dave further reported that the local Extension Office is not referring calls to Fort Collins for soil testing. They are simply telling them there is nothing here in Garfield. However, Dave stated he does the soil test and charges \$15 for the sample.

Mapping capabilities: This is a continuous operation. The way he has set it up and Mike will continue it, they keep mapping where herbicides are being used. All information is plotted on a map at the end of the year.

3X Ranch near Utah border: David Farley invited Dave to put together a comprehensive meeting with BLM as Baxter Pass is not mapped. This is one of the goals for Dave to approach prior to his departing the County.

JAIL DISCUSSION

Deputy Sheriff Jim Sears, County Attorney Don DeFord, and Jail Advisory Board Al Maggard were present.

Jail Count

Total in jail: June 8 - 77; 31 main jail; 38 Work Release; 4 females; 3 in other jails; 1 Home Detention; 0 Day Reporting; 0 State Hospital; 5 DOC. (1 in Pitkin and 2 in Gilpin).

June 9 - total in jail 77; 28 main jail; 42 Work Release; 4 females; 2 in other jails; 1 Home Detention; 2 DOC.

June 10 - total in jail 79; 32 main jail; 40 Work Release; 4 females; 2 in other jails; 1 Home Detention; 0 Day Reporting; 0 State Hospital; and 2 DOC. (1 in Gilpin and 1 in Pitkin).

Al Maggard reported for Dale Hancock stating a check for \$25,760.00 was written to Riley/Johnson, the balance on the limited development; and \$3,300 to URS leaving a balance of \$8500 on their contract. Total of \$173,560 spent to date on those contracts.

There was a check received for \$1,999 from the State which is the 1% of the State subcommittee appropriation but no more will be received until the first of July. Also, Dale had received \$1200 for the non residential ISP from Grand Junction; and three of those inmates will be considered at the special screening committee meeting Thursday morning before the regular Board meeting.

The screening committee will be meeting at 9 a.m. and the regular board meeting will be at noon at the Hotel Colorado on Thursday, June 13th.

The weekend supervisor position has been advertised and Dale received 14 applications. He will interview 8 of those with a start date for the position of July 1, 1996.

There is a possibility of additional income from the courts for Community Corrections. Dale reported the courts are sentencing community service people to Community Corrections which requires a \$20 case opening fee then if they basically show up with proof of insurance some of the judges are suspending the sentence but Community Corrections gets to keep the \$20.

Executive Session-Relay Station and Consent Decree

Don requested the members of the Jail Advisory Board to remain in the meeting.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into Executive Session motion. Carried.

A motion was made by Commissioner Mackley to come out of Executive Session. Motion carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Doug Grant appeared before the Commissioner to request an Access Permit. The Commissioners had received a letter from Ross Davis, Jr. on April 22, 1996 in reference to this request.

The County Road in question is County Road 151A approximately 1.03 miles in length. The request is for an abandonment of the public road and privatization of the road, by joint easement agreement, after it is abandoned.

Mr. Davis stated in his letter that he had previously spoken with King Lloyd and was provided with the Garfield County Road Inventory as of January 10, 1995. Mr. Davis was requesting to have this matter be set on the County Commissioners' Agenda for a hearing on any matters that need to be considered.

Doug Grant stated that the main concern is the snowplowing, however, the State would probably maintain the road if it was paved.

Commissioner Mackley stated a cost analysis would need to be done, however, the offer will be considered.

COUNTY BUSINESS - BUILDING AND PLANNING

Mark Bean, Chuck Deschenes, and Don DeFord were present.

Mark presented his monthly report. *Planning:* Mitchell Creek has been withdrawn; Sierra Bluffs, not scheduled but will go to the Planning Commission on Wednesday, June 12th; and Los Amigos is scheduled today for the Continued Public Hearing.

Levitt Subdivision - July 8 for Preliminary Plan; Rapids on the Colorado, Old Woods Landing, Sunrise Meadows, adjacent to Rifle East for a split of 3 lots and Ponderosa are all scheduled to go before the Planning Commission on July 10th. *Exemptions:* only two that are unscheduled, Steele and Wilson, and the others are either continued or noticed for conditional approval before the Commissioners. Varani is withdrawing the application however, Mark stated he stills needs a letter. The Varani's are waiting until the City of Rifle resolves the extension of the road.

Rifle Village South is scheduled for today; and on July 1st Barrett Resources is scheduled requesting to expand size and warehouse through variances to set backs through the Special Use Permitting Process and Stadler a Special Use Permit in a Floodplain.

Zoning Enforcements and Letter of Violation regarding the Relay Station are on-going. Mark did report however that the sign came down on Friday.

Permits: in 1994, which was the busiest year since 1982, the permits totaled 165 YTD; in 1996 they are at 156, just slightly below the 1994 total. There were 95 total single family home permits issued in 1996 versus 106 in 1994. Battlement Mesa is the most active in single family dwellings with Carbondale 2nd, and Glenwood 3rd. Silt and Rifle are not far behind. Mark stated Municipalities are seeing a lot of building activity as well.

Extension - Rose

Mark presented a request for a one year extension for Rose to complete his final plat. Mark suggested to approval through 3/18/97.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to allow a one year extension until March 18, 1997 for Rose. Motion carried.

Road Impact Fees Workshop

Mark reported that Pete Nichols and Dennis Stranger had completed their basic recommendations and suggested having a workshop prior to having a Public Meeting. A time was set for June 18th from 10 a.m. until noon.

County Attorney

Don reported that Carolyn Dahlgren has accepted the position as Assistant County Attorney for \$42,000 yearly salary. He stated she would start Monday, June 17th. Her background was impressive, mostly in governmental mediation and a former assistant in Albuquerque.

A motion was made by Commissioner Mackley to approve the hiring of Carolyn M. Dahlgren as the new Assistant County Attorney. Commissioner Arbaney seconded the motion. Discussion: Don explained that a second month was added due to the fact that the position is not eligible for either unpaid compensatory time or paid overtime. In lieu of compensation for time worked in excess of forty (40) hours per week she will earn an additional one-half (1/2) day of paid days off (PDO) per month, over and above the time she would otherwise earn and may accrue up to sixty (60) days of PDO. Don explained this was in addition to the regular County benefits afforded other full-time County employees. Motion carried.

AMENDED FINAL PLAT TRACT 8 - DAKOTA SUBDIVISION

Mark Bean and Todd Blume representing Dakota Partners presented.

Mark stated that he and Don had reviewed the amended final plat and requested the Chair be authorized to sign the final plat and subdivision improvements agreement. Mark also stated the original letter of credit is in the file.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign the final plat and SIA for Dakota Subdivision, Tract 8. Motion carried.

DEPARTMENT HEADS

Emergency Management Guy Meyer and Deputy Sheriff Jim Sears presented the fire department report, and stated they were in agreement and recommended a fire ban be implemented. However, according to Guy, the higher elevations may not need to be included.

Don was directed to draft a Resolution outlining the facts that evidence has been received to support the thousand hour fuel moisture content has dropped below 15% and anticipated climatic conditions within Garfield County support the restriction of open fires as provided in the Ordinance No. 96-2. Further suggestions included making some exceptions which would be permitted if obtained in writing by the Sheriff's Department.

Fire Ban

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign and to issue a red flag fire ban in the form of a Resolution effective immediately with exemptions as discussed. Discussion: A phone call to dispatch was suggested if permission needed to be obtained immediately such as a need to weld farm equipment. Commissioner Mackley added this to his motion and Commissioner seconded the addition. Motion carried.

Extension

Carol McNeal gave her report which included a summary of calls totaling 88 for the month of May. 5-10 calls from Pitkin County some of which she has referred to go to the Basalt library.

According to Carol, Dave Gallagher has decided to provide private soil testing. He has the packet of Colorado State University (CSU) material. There is a lab at CSU and a commercial lab in Nebraska. Dave will be charging \$15.00 for the sample. Carol also reported that weed and/or pesticide, as well as farm related calls, are also referred to Dave Gallagher. Regarding water samples, Carol has the packet individuals can pick up but she refers callers to send these directly to the CSU lab. Carol reported people are most upset when she does not put them through to CSU.

Entries: Carol stated the entries for the Fair are set for July 15th. *Enrollments:* 365 - 370 kids enrolled and 79 volunteers.

New Secretary: Regina Broughton is the new part-time secretary and 4-H program assistant.

Carol stated her department has an excess in Computers and welcomed input as to what she should do. In addition, she reported an overhead was missing; someone borrowed the equipment and did not return it. Chuck suggested putting out a memo. Chuck committed to distributing it if Carol writes it.

County Attorney continued

Midland Corridor

Don stating he had the draft of a letter concerning the Midland Corridor and the berm proposed by Jolley/Rippy. Don stated there were three (3) alternatives given to the developer - (1) go up and bolt in the rocks (the ones high on the mountain), (2) provide berm type mitigation but do it on their property (this would create less property for development), and (3) use part of the County's right-of-way for the berm. This was left in the hand of the developer Greg Rippy but the City's position was they didn't have to put it in the County's right-of-way. Don indicated in his letter that the 3rd alternative was included. Don stated this letter needed the Commissioner's approval although it was for his signature. This project is in the hands of the Commissioners and Don did not want to send out the letter unless the Board felt it was appropriate. The problem of Annexation of the Road was the biggest concern to Don. He stated had not heard that the road be improved to City standards prior to them annexing. This is contrary to the position taken by the City in the past. The new alternate route does not have curb, gutter and sidewalk. Trying to meet the City's standards with regard to road improvements and the limited resources will create a constant conflict.

The Commissioners approval Don to send the letter.

Denver Rio Grande Right of Way

Don went back through the Inter-Development Agreement Form given to the Commissioners. The title has changed from the final draft one year ago. They still have not made the changes Don requested and some were the ones put into a memo. Don added he had been told these changes would be made, however, when the final draft came back, the changes were in fact not made. Regarding the Proportional Consensus Agreement relative to the Open Meetings Act, under a Consensus Agreement Process, Don stated there is no record as to how each party voted, however, you do have a vote of yes/no that appears to be in the agreement. Each governmental entity reviews the title evaluation and other aspects of the proposed sale of property and gives the Commissioners the opportunity to state an objection. Under the consensus process that does have the advantage of allowing any of the membership to stop the process unilaterally. Don has completed the proposed sale agreement. A request now with GoCo is to use this for Trails as a primary focus. GOCO wants to maintain the Wye and the easement through Carbondale; an easement to allow rail traffic. Everyone but Garfield County has signed this agreement. Don stated he was looking for direction from the Commissioners. Commissioner Arbaney stated the committee has proceeded without Garfield County and suggested to leave it alone until told differently or until the Forum comes back with something to meet our input.

Discussion - originally this was to be as major transportation issue. The whole idea of a light rail was to eliminate automobile traffic off of Hwy. 82.

DISCUSSION OF TRANSPORTATION GRANT - COLLIN LAIR

This was canceled.

SOCIAL SERVICES

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into the Board of Social Services. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of the Board of Social Services. Carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd, Chuck Deschenes, Mike McBreen and Don DeFord were present.

Equipment Problem

King reported that the County purchased dump bodies from Kois Brothers Equipment Company at the same time when the trucks were purchased from Mesa Mack. At that time the County entered into discussions with Kois Brother as to what the County was interested in and the type of equipment being looking for, such as the reinforced floor and so forth. As it turned out apparently that is not what the County received. It was an incompatible size. The dump body has a good floor but the rest of the dump bed is not of the same stature as the floor. Along with other problems in the past with Kois Brothers, King stated he contacted them and stated he needed them to come over and take a look at these and have some discussions about workmanship. Kois Brothers came over in January and made the County a proposal on three other dump beds that are in the handouts and offered to purchase back or trade in on the dump beds for \$3800 per dump bed. The problems were discussed and the explanation given was that the County may be hauling oversize material. King stated this wasn't the case. The trucks were not hauling anything but manufactured road base since they were originally purchased. Therefore, the problems were indicative of what had been purchased. So the offer was made with a trade-in and King stated he informed Kois that this was not a good enough offer. King referenced another handout that lists the figures and stated Kois has taken the second bid of \$10,586.00 and reduced it to \$9,898; still with a \$3800 trade in value on the existing beds.

King estimated the County started using the dump beds last March. When they first came the workmanship was pretty bad and Kois sent one of his men over here who attempted to fix the plow hitches and various problems such as the welds on the dump beds. Kois was here for 1 1/2 weeks attempting to fix the problems. A couple of the trucks had to go back to Denver to finish. About 3 weeks ago the truck in Rifle had to be redlined because the welds that connect on the detachable bed system under-frame had broken so severely that the truck had to be parked. King contacted Kois immediately and told them the problem.

King informed them they needed to come over and make good on it. Kois wanted to take the truck to Denver and stated they would be here the next day to pick it up; they showed up a week later. Now the truck has been in Denver almost two weeks. Kois will not return King's calls. Now the same problems are showing up on a truck in Silt which is cracking between the under-frame and the dump bed. Then last Thursday or Friday, Bob Caldwell came over from Mesa Mack and voiced some concerns about the deteriorate workmanship on that particular truck. Caldwell from Mesa Mack has been working with King to put pressure on Kois Brothers to make this right. King stated he believes it has reached the point of legal action. King stated that he had not talked to Don about this as yet.

King summarized this into two problems: (1) feels the County received some bad advice in getting information of adequate side walls to be compatible with the truck. He stated the dump beds have a good floor but it stops at that point. King has addressed the speed on the hydraulics but to date has no solution; and (2) the workmanship.

A decision was made to have King review this situation with Don and Mike; pull what documentation is available; determine what basis the County has to go on; come up with some recommendations; and bring this issue back to the Commissioners on June 17th, then make a decision.

All Season Road - Abandonment of County Road 151A

The road to the Sweetwater Cow Camp, County Road 151A, was discussed. Steven Johnson sold 35 acre tracts up there. Attorney Ross Davis, Jr. called King, wrote Marian and requested the road to be made into an all-season road and give it to Gerald Gallegos and Steven Johnson. Basically this accesses public land and the Forest Service has a trail head in there. King wanted to know what the Board wants to do with this request. What he wants is to abandon it and trade.

Chuck stated they were discontent with the way it was maintained and were basically stating to either maintain or give it to us.

Don stated he really couldn't tell what road this was. If it accesses public land, it will require posting. If the County does vacate the road, then we must make sure this road does not access to someone's property. He suggested to contact the Forest Service; publish the required notices; and set it on the agenda for hearings.

Chairman Smith stated communication should be returned to Attorney Davis advising him and his client that this road accesses public lands and after the Commissioners were advised of this they were not interested in proceeding. King will write the letter.

Meeting and Road Review

King Lloyd and the Commissioners scheduled the Road Tour for Tuesday at 9 A.M., meeting in the Community Center in Parachute.

Frontage Road off Mamm Creek

Doug Grant of Grant Brother was first approached about asphaltting this portion of the frontage road, actually they were told to do this by the State. Commissioner Arbaney referred to the letter received dated May 13, 1996. Doug Grant called Chairman Smith stating he needed to know what kind of maintenance is needed on the North side of the interchange. There is some discussion about the State asphaltting the road. Commissioner Arbaney stated the State wants 12" base plus 4" of plastic plus 4" of asphalt. This is an on-going issue. The State will allow Grant their access permit and Grant has to mag it at least every other year or more often if dust is a problem. However, the State would like to get rid of those frontage roads, turn them over to the County, and they would asphalt them for us, then they are our roads.

Forest Service Agreement

Schedule A was discussed. King stated he had submitted the Forest Service Agreement to Don and would like approval for the Chair to sign as soon as Don has okayed.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign Schedule A. Carried.

FOREST ROAD AGREEMENT - FOREST SERVICE & GARFIELD COUNTY

King Lloyd, Don DeFord, and Chuck Deschenes were present. The Agreement between the U.S. Department of Agriculture Forest Service and Garfield County was submitted for discussion and signature of the Commissioners.

King stated he had submitted the agreement to Don for review. Schedule A - Roads that are currently being maintained and King read these into the record: County Roads 230; 317; 141,142; 243; 140; 217; 224, 234; 143; 313; 117; 217; 280; 245; 152; 151A; 155; and 319.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley that all three Commissioners were to sign off on the Forest Service Contract. Motion carried.

DISCUSSION ON VETERAN'S MEMORIAL PARK - BOB HOFFMEISTER

King Lloyd, Don DeFord and Bob Hoffmeister of 1437 County Road 129 presented material and discussion to clarify legal ownership of the Veteran's Memorial Park. A quit claim deed was given by C.S. Everett to G. V. Helm as Treasurer of Garfield County as a Trustee, not owner, for the Antlers' Home Demonstration Club. The Club was formed in October 1930 and it was called the Antlers' Sunshine Home Demonstration Club. In 1946 a committee was formed to see Mr. Everett about ground to build a club house, later on in 1946 they were told they were going to get a piece of ground, then in 1947 this quit claim deed came about. It started out as a great thing but free labor gave out and this is just what happened. Finally in 1959 the Club hit bottom; and in February Bob Hoffmeister discovered that his aunt's dad came to Antlers in 1892. He added, people were using the ground for other than picnics and signs were made to change it over. In 1960 they had a problem and asked the boys to take over the park. In 1963, and after considerable digging, they found out that it had been changed to the Antler's Home Demonstration Group. On August 7, 1963 they voted to find the lease and deed the property to Mr. Everett. On September 18 there was more discussion and they had found the lease. There was some stipulations that they take care of the property and if they didn't do anything for two years, then it would go back to the Antler's Home Demonstration Club. In September they decided nothing had been done for two years, and October 2 Helen Ryden took the papers back to Mrs. Everett and attempted to get the property back. Documents were submitted. Paperwork was turned back. They had been paying taxes on the property until Harold Piper had bought the property in 1971 from Ray Filner. The property was deeded to Ray Filner from C.S. Everett and there was a deed there that shows this piece of ground being deeded out. This deed was not taken out so the County claims it as their own. This shows that through an error with the lawyers or whatever, that the property wasn't recorded as being given back so it stayed on this quit claim deed. Harold Piper paid the taxes on it until he complained in 1975. That's when the taxes were taken off. Bob stated his purpose was to ask Commissioners to work with him to get property back to where it belongs. Don interjected that this property was held by Georgia Chamberlain as the Treasurer and not the Board of Commissioners. He stated it was a deed to the treasurer held in trust for the servicemen who were killed. Bob Hoffmeister stated what started all of this was three Antler area boys were killed in World War II. Don indicated the deed was held by Treasurer Georgia Chamberlain this is a recorded deed and it was not a reversionary deed. He stated normally property that is donated to the County, the County has to actually accept it and once it becomes a public parcel the County has a responsibility to see that it's maintained. Don has never found any consideration of the Board where they accepted to maintain it. There really is no reversion deed. Georgia should be requesting funds from the Commissioners on an annual basis to at least maintain the property.

Commissioner Mackley stated Road and Bridge has gone out twice and cleaned it up that he can remember. Don stated he will have to sort this thing out. First, what does the Board and Trustee want to do: (1) give it back; and/or (2) keep it and maintain it.

Commissioners did think it was a park; Commissioners have maintained it.

Hoffmeister believes it was held for this group. The idea was if they could not take care of it then the property went back.

Don stated the Rule in Colorado is this: when a deed is executed it incorporates all the terms of the negotiation of the property. First this deed does not have a reversionary clause, and secondly it was not deeded to the Antlers Home Demonstration Group, it could have been or to one of the members and it was not. It was deeded to the Treasurer and this group was not even named as the beneficiary, so Don has to assume the terms of the agreement were incorporated in the deed.

Georgia Chamberlain stated it was held in trust to be used as a memorial park. The beneficiaries are those who were killed in action.

Discussion - do the Commissioners want to deed it back or leave it as a park? The property in question is a 1/2 acre lot?

Chairman Smith stated she would like to have Don look at the entire legal ramifications and determine the options available. She stated they will get back to Bob Hoffmeister when they have some answers.

ASPEN GLEN - ROARING FORK MESA - FINAL PLAT

Mark Bean, Don DeFord and Larry Green were present.

Exhibit A - the final plat was submitted for signature. Don DeFord examined the plat for accuracy and confirmed to the Commissioners that it was all right to proceed.

Mark Bean presented: The open space was dedicated to the Masters Association and clarified that the streets are private. The Letter of Credit will be two or three weeks away and Mildred will hold the final plat.

Larry stated he was here to seek approval for the second phase. The Roaring Fork Mesa 1/4 acre zone district south of old Sievers Road 109 corner is under the PUD zoning. This consists of 24 acres zoned for 58 single family lots.

George Hanlin, Vice President of Aspen Glen showed the plan and stated there are 4 different floor plans for the development. All have a view of Mount Sopris and the Roaring Fork River.

He showed the plans and stated there were 4 different floor plans, however, all lots have a view of Mt. Sopris and Roaring Fork River. In addition there will be lakes/ponds. All 58 lots will have something special. He added the construction is phased and the entire plat has been engineered to be comfortable. A Homeowner's Association will be included within the overall concept where each property owner will pay into it for maintenance and will own the common areas and control the streets. Charles Kurniff is the architect out of Aspen. Each floor plan is between 3000 - 3200 feet and will cost between \$750,000 to \$1 million.

They started reservations and have 10 reservations to date. The house will be constructed of stone and beam, glass, and a fire retardant shake roof.

Don stated he needed to discuss a separate issue however, one that concerns the Commissioners, which is this, does this PUD access County Road No. 109 and/or does Aspen Glen have plans for construction to include County Road #109 in 1997?

Larry responded that the trigger date to County Road No. 109 would be the plotting of lots near the old railroad bed. However, *Larry* projected that he didn't believe County Road 109 would be used in 1997.

Don clarified the concern by the County was the limited budget on road development.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign the Subdivision Improvements Agreement and final plat for Aspen Glen Golf Company and for Mildred Alsdorf, Clerk and Recorder to hold until the Letter of Credit and legal description is filed in her office. Carried.

PUBLIC HEARING - FLOODPLAIN SPECIAL USE PERMIT - RIFLE VILLAGE SOUTH LOTS 1-8, THE SOUTH 15 FEET LOT 9, BLOCK 8, RIFLE VILLAGE SOUTH SUBDIVISION, LOCATED APPROXIMATELY ONE (1) MILE SOUTHWEST OF RIFLE, OFF OF COLT DRIVE APPLICANT: DAVID JOHNSON AND LAWRENCE BRADLEY

Mark Bean, Don DeFord, David Johnson, Lawrence Bradley, Sharon Ebeler, and Jerry Bauer of 254 Road in Rifle were present. Don determined the appropriate property owners were notified. Jerry did not use notice by certified mail. Jerry did have a notarized notice to all who were mailed. Of the ones he mailed, there were 4 written recognitions. Don stated however, that the regulations require certified mail and he would not advise. Commissioner Arbaney stated that he recognized the effort was made and the risk is the applicants. It is very easy to throw out the Special Use Permit on a technical error. Commissioner Mackley and Chairman Smith stated there was no problem as Jerry does not have anything to prove and he is under oath.

Mark clarified this was a technical issue.

Mark Bean presenting: This is a special use permit to allow construction of single-family dwelling units within the regulated floodplain. The subject properties are located in the Rifle Village South subdivision, south of Rifle. The applicants are proposing to construct a single-family dwelling units on lots located in

an area of the County identified as having the potential for flooding due to a sheet flow not to exceed one (1) foot in depth.

Recommendations:

Staff recommends approval of the Floodplain S.U. P., with flowing conditions:

That all representations by the applicant made before the Board of County Commissioners shall be conditions of approval.

Prior to the approval of a final certificate of occupancy for any house located in the area of question, the property owner shall submit an elevation certificate, signed and stamped by a licensed land surveyor, for the finished floor elevation of the proposed single-family dwelling unit.

All foundations shall be cast-in-place reinforced concrete footers and stem walls. All foundations should be reviewed and approved by Registered Professional Structural Engineers. The structural engineer should review foundation designs in regard to hydrostatic and hydrodynamic loads and buoyancy.

Site grading shall be performed so as to create positive drainage away from all residences in all directions. the minimum allowable grade away from each residence shall be 10% for minimum distance of 10 feet. Patios, driveways, and sidewalks are excluded from these minimum, except that all patios, driveways and sidewalks shall slope away from the house at a minimum grade of 2%, and the 10%/10 ft. grade shall be continued beyond all patios, driveways and sidewalks.

Sharon Ebeler commented a party has expressed interest in purchasing lot 1 and 2 and putting a stick house, the others will use manufactured homes.

A motion was made by Commissioner and seconded by Commissioner to close the Public Hearing. Commissioner Mackley seconded the motion. Carried.

A motion was made by Commissioner Mackley to approve a special use permit to allow construction of single-family dwelling units for David Johnson and Lawrence Bradley as described in the staff packet with all major issues and concerns, suggested findings, and recommendations. Commissioner Arbaney seconded the motion; carried.

PUBLIC MEETING - FINAL PLAT - CEDAR HILLS RANCH SUBDIVISION APPLICANT: SPRING CREEK LAND CO/NORM CLASEN

Eric McCafferty, Don DeFord and Lee Leavenworth were present.

Eric presented that both he and Don had reviewed the final plat and recommend the Chair be authorized to sign.

Don asked for Mildred to hold the final plat for two reasons: first the final order from the District Court annexing the West Divide Subdivision needs to be received. Don added that this only requires a ministerial act; and the second item is the security arrangement that is new to this County. Under statutory procedures and regulations the Board is entitled to accept security in an amount adequate to protect the County so improvements can be completed if necessary by the County. The County normally uses a Letter of Credit and can also accept a bond or pledge of real property. The developer, Norm Clasen, has proposed that this Board retain an agreement called a "disbursement agreement." In many respects Don stated it makes the County part of the loan process for the developer for the construction of the improvements. The document itself does entitle the County to demand payment of an amount necessary to complete the improvements if that becomes necessary and if there is a default in the terms of the SIA. It serves the same purpose of securing but does not require the developer to both take out a construction loan as well as the amount needed to finance a Letter of Credit.

Lee clarified: It basically is an agreement between the Bank, the Developer and the County whereby if for any reason the developer defaults on his obligation to construct the subdivision improvements, it entitles the County to step in and draw the balance of the loan. It doesn't make the County obligated on the loan however. It prevents the developer from having two loans and the need to collateralize. He stated he has used this in Rifle and hasn't had any problem.

Don stated this is in summary the request that his office received from Norm Clasen. The agreement has undergone several drafts, and it takes an agreement between the bank and the developer and some modifications it so that it will conform to the county's needs for security. The last change that is not complete at this time that needs to be, is the literal amount as being specified as being available for

payment of construction improvements. It is a direct agreement between the Bank and the County and does not contain any repayment requirements. The loan agreement with the developer and the bank is entirely separate. One thing discussed and acceptable between Don and Eric if it meets approval of the Board is: Mr. Clausen has suggested he has invested a significant amount of his own funds in improvements in this subdivision that are otherwise covered by this "disbursement agreement." Therefore, this blank amount of money set forth as construction improvements contained in the engineer's full estimate is more than is required to actually construct those improvements, or at least 10% of the construction improvements, which were well over \$500,000, that would meet the normal contingency requirements. Should the developer be in default in the SIA, it provides the same security as the Letter of Credit.

Norm stated they have constructed the main road and the emergency road which cost about \$100,000 of his own money that he put into the project, and the loan has about an additional \$80,000 of contingency. There is another \$20,000 for engineering. What the Commissioners need is \$57,000. *Norm* stated the \$57,000 would be sitting in the bank until the project has final approval.

Don clarified that there will be periodic withdrawals. However, he cautioned that final approval of withdrawals could be a three-week period of time due of the Board meeting schedule.

Discussion - the Planning Department has 15 days to wait until bringing this to the Board.

Norm added that the water line is in. Public Service will not do anything until final plat as been approved; and they only give you up to 24 hours to get money in.

Lee pointed out that this issue today before the Board is for approval of the final development.

Don summarized that the request is for the Chair to be authorized to execute the final plat as well as the SIA to be held by the Clerk and Recorder for recording until the cost of construction improvements are completed in the SIA; and the final order from the District Court annexing the West Divide Subdivision is received.

Commissioner Arbaney so moved and it was seconded by Commissioner Mackley. Motion carried.

Resolution/Ordinance - Fire Ban

Don presented discussion pertaining to the proposed Ordinance which gives the Commissioners the authority to implement open fire restrictions within Garfield County whenever they have received evidence from staff and from the Colorado State Forester demonstrating that whenever the thousand hour fuel moisture content drops below 15%, the danger of fire is significant and justifies imposition of a open fire ban. *Don* said he anticipates having the first reading ready by next meeting and the final reading by July 1. After that, he will follow the Ordinance by a Resolution which would establish a process for imposition of the open fire restrictions pursuant to the provisions of the Ordinance.

BATTLEMENT LIQUOR - BEEF AND BEVERAGE

Mildred Alsdorf explained that the LBLB Inc. dba Battlement Beef and Beverage located in Parachute had a license expire to serve malt, vinous and spirituous liquor with extended hours and requested authorization to issue a temporary license.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize Mildred to issue LBLB Inc. for Battlement Beef and Beverage a temporary license with extended hours not to exceed 120 days or until a license is issued, whichever comes first. Motion carried.

CONTINUED PUBLIC HEARING CONSIDERATION OF RESOLUTION APPLICANT: LOS AMIGOS RANCH PARTNERSHIP

Mark Bean, Don DeFord and Larry Green were present. *Don* explained that the Public Hearing was still open.

Larry - summarized the discussion as he recalls from last week. There are two issues of concern to the Board, (1) with respect to road impact fees, the applicants proposal provided that the applicant would agree to pay a road impact fee at each preliminary plat provided that the County apply the same formula with respect to each developer on County Road 114. The County would have three times to set the impact fee; the first time would be in July; the next time at preliminary plat at the time of assessment of road impact fees when the remainder of single family dwellings were before the Commissioners for approval; and a third time when the high density single family dwellings were presented, pursuant to the preliminary plat

phasing plan. This gives the County the opportunity to establish different levels of improvement depending upon the needs anticipated for the road at the time. The only modification to that proposal that the applicant is willing to suggest at this time and get at the Commissioner's concern would be to allow for a cost of living on the fee. I.e. given - the fee in August was established to be a \$200 a unit, fees paid for building permits in 1996 would pay that \$200; in 1997 that fee would be adjusted by a cost of living indicator so that the fee might be \$210 if the cost of living adjustment were 5% and would be increased the subsequent year by inflation factors. - only modifications - at this time - to get at CC considers - get a cost of living inflator on the fee. Larry further clarified that the road impact fee would be established for this particular road and accepted by the County.

Commissioner Arbaney clarified that Larry had suggested the formula would be adjusted; however, he stated the formula would remain the same. The figures within the formula may change.

Larry confirmed that what he was eluding to was the variables within the formula may be subject to change at the final plat.

Don - you control the access to a public road and traditionally the road impact fee is collected from the builder at the time they request final plat.

Commissioner Arbaney stated he would prefer to collect the fees up front. This way you have money up front.

Larry stated, this applicant does not want to pay the final plat fee on all lots.

Commissioner Arbaney added, the 44 lots included in this first plat would only be \$8,800. This wouldn't pay for 1/4 mile of the road cost.

Mark - but it will pay for their appropriate share of the road improvement.

Larry - August is a realistic time frame to project having the plat before the Commissioners.

Don - one concern expressed is the vested rights question.

Commissioner Arbaney - we still haven't even adopted a real formula on road impact fees.

Larry - recognizes that possibility and stated the applicant is willing to pay it as long as it applies to everyone in connection with all developers on County Road 114. They are willing to pay the \$200 on the 40 units. They are willing to take the risk in connection with this first final plat that the Commissioners are going to impose some type of formula for across the board for County Road 114 and even if not, still willing to pay \$200 towards on those 40 approximately lots. If the County never adopts a formula, Los Amigos is out \$8,000, but if the County does it is their expectation that the fee would be adopted between the first preliminary plan and the second preliminary plan. By the time of the second preliminary plan is before the Commissioner, he feels decisions will be made - is there going to be a road impact fee on road 114, what is the number going to be, what's the formula - here's how we are going to apply it to everybody. When Los Amigos is before the Commissioner with the second preliminary plat they are in the same ball park as everyone else. The fees are either established and Los Amigos pays it the same as everyone else does or there isn't a fee in which case they wouldn't pay one.

Don stated this is in addition to building the deceleration/turn lane - the left lane. This is necessary to avoid stacking of cars to make a left hand turn into the development..

Larry agreed that it was and the purpose was to prevent stacking of cars in the main travel lane waiting to make a left hand turn.

Executive Session - Discussion of Road Impact Fees

A motion was made by Commissioner Arbaney into Executive Session to discuss impact fees.

Commissioner Mackley seconded the motion. Carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to come out of Executive Session. Carried.

Continued - Public Hearing - Resolution - Los Amigos Ranch Partnership

Discussion continued and Don stated the County did discuss the road impact fees in Executive Session and the right of the County to impose them.

Commissioner Arbaney stated he had reservations as to what is going to come out of the Road Impact Fees that would be used for this road and therefore would accept the proposed road impact fee of \$200/unit reluctantly and for this phase only. He stated that he does not agree necessarily with Dean Gordon; and also stated that fees should be paid up-front. He further stated that each phase that happens in this valley will cause impacts that no one foresees today.

Commissioner Mackley stated the Commissioners didn't want to set a precedent for the County or for the developers and that would be his position and concern based upon the \$200; so the Commissioners should say, we don't have a study, let's do the \$200, let's do it now and then any future phases will be open to any study that may have been conducted and accepted by the Board of County Commissioners, if and when that ever happens.

Chairman Smith stated she too felt the County should have the dollars up-front if all three of them are accepting the \$200 fee for this first phase.

Commissioner Arbaney - anything that is done will affect other developers and future developments. He further stated, if the staff is reasonably comfortable with what has been proposed, then Los Amigos and the staff can work out the language.

Don added, as long as the fee is applied equitably.

Larry reiterated that the Resolution to amend the PUD would contain language saying, that for the next preliminary plat the developer will pay a Road Impact Fee of \$200 per unit at time of final plat approval. And that for all subsequent filings, the developer will pay a Road Impact Fee in accordance with a formula accepted by the County provided that same impact fee formula is applied evenly to all development in the Road 114 Corridor.

Mark - stated the Commissioners are reluctantly acknowledging that they will not have another study for Road 114 so the \$200 is the basis for the phase. This is not necessarily committing \$200 to any other phase.

Larry - \$200 is being set for the next phase. The Dean Gordon study/fee will probably be used at time of preliminary plat.

Mark - based upon the study that the County....

Larry stated, the Dean Gordon study presented four weeks ago will probably be the study and the basis for the impact fee at the time of preliminary plat.

Mark added the County will probably not have another study by that time, but if they do, then the number will be changed.

Larry questioned - so does that mean if the County develops another impact fee study between now and the next preliminary plat approval and that study says that the impact fee is \$1000 a unit, that Los Amigos would be asked to pay \$40,000 at the time of final plat approval?

Mark answered - yes.

Commissioner Arbaney stated this was a gamble on the part of Los Amigos. Based on time and the money to have a study, it is unlikely that the County would have a new study done.

Larry confirmed that he would want to discuss this with his clients.

Open Space Issue

Larry stated the other issue left last week was the Board's concern about Open Space. He claimed he did not totally understand what the concern is but to the extent he does understand, it involves the way the PUD was approved back in 1979-80 and provisions contained in the original covenants that were also part of the PUD plan back in 1979-80. This provides that open space is to be held by the Homeowners' Association and the members of that Association are the ones who have access to the open space. That's the scheme and the facts as that scheme has developed are that the member/owners of the Auburn Ridge Apartments and the other parcel of land that is approved for multi-family uses are not members of the Homeowners' Association. Therefore the owners of that property do not have access to the open space within the PUD.

Commissioner Mackley stated the PUD requirement is that each one of those has 25% of open space.

Larry stated he has spoken to Don and also done research about the way the original Los Amigos Ranch was originally approved. In 1979 Los Amigos Ranch PUD was approved by the County Commissioners. As a result of the process after the approval of PUD, the developer who was at that time Los Amigos Ranch Partnership. (The same entity that now owns Los Amigos Ranch). Although the principals involved in that partnership have changed, the partnership was still the owner. The Partnership recorded a set of covenants, and that set of covenants did not affect any particular property. What those covenants said was that all of the property that is contained within the Los Amigos PUD is eligible to be made subject to these covenants and is eligible to become members of the Homeowners' Association. But those covenants did not create the Homeowners' Association nor did not specify what property was subject to the covenants. It just stated anything within Los Amigos can be made a part of the Homeowners' Association. It also said the way you make property subject to these covenants and part of the original Homeowners' Association is by filing a supplemental declaration covenants which says this property is not subject to the master

declaration. Because it is subject to the master declaration it is members of the Homeowners' Association and is joined all the rights and obligations of that Homeowners' Association. The primary right and obligation of the Homeowners' Association is a right of access to the Open Space and the obligation to take care of the Open Space.

Commissioner Mackley - did this meet the requirement of the County PUD regulations?

Don - the covenants were not technically part of the PUD approval process. Regulations do not require that all of the open space that was set forth in the original PUD be available to all of the people who eventually reside in the PUD. But he also cannot say that all the covenants were contemplated by any Board of Commissioners. Any Board would not contemplate that any residents of the PUD would be totally excluded from the Open Space. There are provisions within the current PUD that will allow the Commissioners to review Open Space aside and approve it as adequate. So therefore, the Commissioners can look at this issue and see what they think.

Don stated this has been the County's practice and varies between subdivisions. It is not set with the regulations, but Open Space is to be dedicated at the time of platting and it varies between subdivision whether or not all of the Open Space be done with the first plat or portions of it.

Larry summarized, the Statute, the Colorado Planned Unit Development Act clearly contemplates that covenants are part of the overall PUD. However, he was not part of this original discussion and could not say whether or not the Commissioner reviewed the covenants. However, he showed the final plat of the 14 acre parcel. It was signed May 8, 1979. It was the first final plat the County ever saw with respect to the Los Amigos Ranch. This is the same 14 acre plat that is currently being dealt with. Clearly there is no open space platted in connection with this plat. Additionally, there is no supplemental declaration of covenants reported at that time. So that property was not made subject to the master declarations and the owner of that property was not eligible or identified as a member of the Homeowners' Association.

Don - clarified that the same owner then owned the entire property.

Larry agreed. This was owned by Los Amigos Partnership. Exhibit - T, original plats of the Los Amigos PUD were submitted into the record. The next exhibit was the re-subdivision of the plat filed in 1983 and that took 14 acres and re-subdivided it into two 7 acre tracts. The easterly portion is Auburn Ridge. On the Westerly of those two tracts is where the other multi-family parcels are where no construction has occurred. At the time this was done, Los Amigos Partnership still owned the property. No supplemental declaration was filed so those two properties were not to be members of the Homeowners' Association and no open space was created on either of those plats.

Commissioner Arbaney - but there were still a portion of the original PUD.

Larry agreed. Subsequent to the plat in 1983 those two parcels were sold to 3rd parties. At this time, Mr. Gibson, who is present, owns the Easterly of the tracts where Auburn Ridge is located and Mr. Dowdy who is not present, owns the Westerly one.

Larry stated he believes it is clear from the covenants that the opportunity to designate the two tracts of Auburn Ridge and the other multi-family tract as being within the Homeowners' Association. This was when they were still owned by Los Amigos Ranch Partnership. Now being owned by 3rd parties, Los Amigos Ranch Partnership no longer has the authority to make those parcels members of the Homeowners' Association and to give them access to the overall open space within the PUD. The covenants, the master declaration clearly provided that the declarant, Los Amigos Partnership had the ability to decide who was going to be a member or what property was going to be a member of Homeowners' Association and therefore enjoy obligations and privileges associated with being members of that Homeowner's Association. Whomever drafted this PUD, it closely anticipates this Colorado Common Interest Ownership Act that is presently being worked with which is that you create among the sub association whether or not they have the same right or different rights with respect to master common area as other sub associations. This has not been faced at Aspen Glen. Previously today when Larry was present with Aspen Glen, the decision had been made that these were single family homes and the open space within the Roaring Fork Mesa would be common open space available to everyone in Aspen Glen. However, under the Colorado Common Interest Ownership Act, Aspen Glen would have the authority to say no. That Open Space in the Roaring Fork Mesa is owned and controlled by the Mesa Sub Association and it's only the members of that Sub Association that have rights of access. This is essentially the same scheme laid out for Los Amigos Ranch but 10 or 12 years before the Common Interest Ownership Act was adopted.

Larry stated Los Amigos was going to finesse the issue. Larry stated the concern is that everyone have some access level of open space. He projected a 25% open space. Larry submitted a revised PUD zone plan map except they have now taken the multifamily tract of 14.6 acres in the same tract on the final plat.

There is open space adjacent to that tract and the applicant is willing to dedicate, transfer, convey 5.4 acre open space and an additional 5.9 acre open space to the owners of the two parcels. They will now have not only access but associated obligations with 11.3 acres of open space.

Larry clarified how the land would be transferred by using the word "Convey." The applicant will not own it, the master association doesn't want it; the open space carries with it burdens as well as benefits. If the Board wants open space to Auburn Ridge and other multifamily then Los Amigos Ranch Partnership will give it to them but they must take it and all the stuff that goes with it and be responsible.

Commissioner Arbaney stated this was a really good offer and wanted to hear from the owner of Auburn Ridge.

Bill Gibson of Basalt - owns Auburn Ridge Apartments with his wife. He feels that Los Amigos doesn't want them on their Board or their tenants on the open space. Feels it best to not be included in the Homeowners' Association but to be two separate entities. He liked the offer however he is concerned and wants to speak to the other owner Mr. Dowdy to determine just how the property to be transferred is handled. It is a great solution and he committed to talk to Mr. Dowdy.

Larry stated that Los Amigos could convey the open space to both Mr. Gibson and Mr. Dowdy as tenants in common or draw a further line and convey Mr. Gibson one of the open space parcels and Mr. Dowdy the other open space parcel.

Don clarified that this "Open Space" is zoned open space and that nothing is permitted on this acreage.

Exhibit U - an amended zone plan was entered into the record by Chairman Smith.

Don stated it needed to be added as a condition.

Commissioner Arbaney made a suggestion that the open space not be split into two parcels, rather kept as one to allow more open space for the tenants.

Road Impact Fee Decision

Larry stated Los Amigos Ranch Partnership will agree to pay \$200 per unit at the time of final plat; or such other Road Impact Fee as may be determined by another study adopted by the County provided that the amount of that payment and the timing is applied to every other developer.

The Commissioners agreed this was the situation.

A motion was made by Commissioner Arbaney to close the Public Hearing. Commissioner Mackley seconded the motion; carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to set June 17 at 2:30 P.M. to bring the Resolution before the Board and review the findings; carried.

A motion to adjourn was made by Commissioner Arbaney and seconded by Commissioner Mackley. Carried.

Adjournment 6:00 P.M.

Attest:

Chairman of the Board

JUNE 17, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 17, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator, Chuck Deschenes and County Clerk and Recorder, Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes presented his report to the Board.

Bills

Chuck presented the bills for review for the second run of May 1996.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to pay the bills as submitted for the second run of May 1996. Carried.

Minutes - January 22, 1996

A motion was made by Commissioner Mackley and seconded Commissioner Arbaney to approve the minutes of January 22, 1996. Carried.

Employee Recognition Certificates

Mildred Alsdorf presented the Employee Recognition Certificates for signatures of all three Commissioners.

COLLIN LAIRD - TRANSPORTATION GRANT

Collin Laird of Healthy Mountain Communities presented the Roaring Fork Transportation Partnership Project and provided an update on the grant proposal submitted to the Governor's Office of Conservation for the purpose of building regional partnerships to more effectively address regional transportation problems. He summarized that the regional roundtable, consisting of elected officials and citizens in the Parachute to Aspen region, was formulated to discuss important transportation related issues. These included long-term funding for a regional transit system, a regional transportation strategy, and model policies to promote transit oriented development. In addition the roundtable will be a catalyst for increased awareness of regional transportation problems and opportunities. Collin stated that he had presented this before the various local cities and municipalities. The grant was awarded and over the next several weeks, Collin added that he will be providing the Commissioners additional updates. The grant had \$16,000 in in-kind contributions. Walt Brown, is a member At-Large of the Regional Transportation Board.

JAIL DISCUSSION

Sheriff Deputy Jim Sears, Dale Hancock, Jail Advisory Board Chairman Al Maggard and Dave Sturges from the Jail Advisory Board were present. Deputy Sears reported.

Jail Count

Total - of 79. 35 in main jail; 36 Work Release; 6 females; 1 in other jails; 1 Home Detention; 0 Day Reporting; 0 State Hospital; 0 DOC.

Chairman Smith noted the female population was rising again.

Don DeFord reported he had a bill from Dubofsky for \$7,537.59 which commenced with an earlier time regarding the overcrowding at the jail. Don recommended the payment of this bill be made since Mr. Dubofsky did discount his travel time of \$1000. Don further clarified that due to the changes in federal law and payment of attorney's fees, he intended to have a meeting with Mr. Dubofsky prior to any further

engagements to ensure the dollar rate per hour maximum amount the County would be charged for his services.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign the payment for Frank Dubofsky for a total of \$7,537.59 and to submit a budget amendment to cover it. Motion carried.

Fire-Canyon Creek

Jim reported there was a fire in Canyon Creek last week. The information has been turned over to the District Attorney's office who will make the determination if charges will be filed. It was a sixteen year old who set a model rocket off and it blew up starting the fire. The BLM helicopter came from Rifle and knocked the fire down right away.

County Operations

Dale Hancock gave his report. His department had received another \$1400 reimbursement from the non-residential program. This makes a little over \$3,000 received back thus far. The new contract for the non-residential program indicates the County has lost two residential beds. This will still make the contract a little over \$250,000 for the next fiscal year. There is one more piece of administrative engineering with the DOC parole in which transition inmates are breaking off and managing own funds. At the present they are contracting with DOC. This just occurred with legislature within the last few days so Dale did not have any further information. He estimated this would generate another \$10, - 15,000 to support residential services which the County has been providing.

Chairman Smith inquired as to the Community Correction Facility most used by Garfield County.

Dale stated it would be San Luis Mental Health in Alamosa. This ranges from 8 - 9 inmates for amounts totaling \$17, 18,000 per month.

Dale announced there would be a meeting with the Community Corrections Screening Committee on Tuesday afternoon, June 18th to fine-tune the selection process on those eligible for the non-residential program.

Al Maggard stated the committee is on-line now and working well.

Channel 20 - Update

Dale reported he has a meeting on Tuesday with Channel 20 personnel to discuss the offer they will make for the one channel to broadcast. Also a meeting next week with Mr. Albertson to hook up of the Kimball Mountain site with the data transmission facility with Conoco. This will be in addition to all other UHF and VHF communications that are on that site.

Work Release Driver Position

Dale reported the ad for the driver for work release was advertised as Community Sensitivity Technician with expectations of being able to manage the office, as well as do the hook-ups for home detention, handle some day reporting, and the new program Re-Act. The original idea of the work program was oriented to reducing the population of the County Jail and having a visible works program. Dale stated he ran the scale in the ad but was hopeful to hire someone at the lower end of the scale. He further justified the wage by stating it was for part-time which meant the job offered no benefits package.

Dave Sturges announced the Glenwood Springs Transportation will have a Public Meeting to be held at 7 P.M. at City Hall to inform the residents of the alternate route and answer concerns. An Open House begins at 6:30 P.M. where drawings and plans will be available for viewing.

AMENDED PLAT - RIFLE VILLAGE SOUTH LOTS 8 AND 15' OF LOT 9, BLOCK 8

APPLICANT: DAVE JOHNSON

Mark Bean presented the amended plat and stated that Lot 1 and 2 should be included. This was discussed during the Special Use Permit that the original comments were on Lot 9, the south fifteen feet and was an unusable lot. Rifle Village South is doing an easement of a line and staff has no problem with them doing this. In Lots 1 & 2 they basically want to create bigger lots. The lots are 55 x 140 feet, less than 1/4 acre. Mark stated this did not require a formal action by the Board such as a motion, however, he did request the Board authorize Mark to proceed forward with the mylar.

The Commissioner gave their verbal approval for Mark to proceed.

AMENDED EXEMPTION PLAT - RICHARD DEVER

Mark presented this was an exemption plat which involved moving lot lines. The lots remain the same size as before. Mark stated this requires no action from the Board but requested authorization to continue with the surveyor for signature.

The Commissioners gave their verbal approval for Mark to proceed.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Sarah Pletts, 410 N. Mill, Aspen, CO. Director of Living Arts Foundation presented an invitation for the Commissioners to participate in the fourth annual gathering of Native Americans, Governments and Community members in a Council Circle on July 2, 1996 to deepen the connection to Mother Earth and Father Sky who sustains us. She added that by adding the voices of a variety of individuals, the focus of developing a valley-wide/land-use philosophy pool would more likely occur. In addition she was requesting a donation of "even a penny" towards the concept of the Native American Council stating we are "strong when we all sit equal." Sarah further stated that she had received a conditional commitment from the Pitkin County Commissioners of support monetarily if she could obtain a commitment from all five local counties to participate in any level. July 2nd is the Land Use Council Meeting with the native elders presenting questions and initiating discussion about what can be done; July 3 is the ACES public and governmental officials meeting; and July 4 is the participating in Independence Day festivities. Sarah stated July 3rd was designed to be a time to sit and listen to Mother Earth and Father Sky and interpret what is the next best step to take for the future.

The Commissioners directed Chuck to write a letter and inform Sarah that they would not be able to participate monetarily due to budget cuts and that Chairman Smith will try to attend the session on July 3 from 10 a.m. until 12:30 p.m. to hear the recommendations generated by the council the day before. Commissioner Mackley referred Sarah to Holy Cross Cattlemen's Association, Chair Bill Fales, Garfield County Farm Bureau - Charles Ryden, New Castle, and the Forest Services. Chairman Smith indicated that individuals are entitled to their heritage; and possibly Sarah could receive some individual contributions, but nothing from the County at this time.

COUNTY BUSINESS

Don DeFord introduced Carolyn Dahlgren, the new Assistant County Attorney.

Fencing Contract - Fairgrounds

The agreement between the Board of County Commissioners and Hy-Way Feed and Ranch Supply, Inc. and Stropnick Fence Company for \$38,467.99 was presented for signature by the Commissioners.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign the agreement with Hy-Way Feed and Ranch Supply, Inc. and Stropnick Fence Company for \$38,467.99 with a beginning date of June 15th and a completion date of August 15, 1996 for chain link fence installation and repair to the existing Fairground fence. Motion carried.

DEPARTMENT HEADS

Social Services

(see separate report)

Building and Planning

Road Impact Fees - Workshop

Mark Bean reported the meeting with Dennis Stranger and Peter Nichols needed to be canceled for tomorrow, June 18 and rescheduled. This involves a workshop on Road Impact Fees. The workshop needed to be re-scheduled until Wednesday June 26, 1996 from 9 - 12 P.M. due to a conflict in the previous date set.

GSMI Annexation - County Road 346 - McClearn Orchards

Mark presented the GSMI Annexation of 346 Road by Rifle.

A motion was made by Commissioner Arbaney to authorize the Chair to sign the annexation plat for GSMI for the City of Rifle after appropriate signatures from the City of Rifle were obtained and after Attorney Tom Stuver and County Attorney Don DeFord has reviewed and signed off. The motion was seconded by Commissioner Mackley; carried.

Mead Amended Exemption Plat

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign the previously reviewed amended Mead Exemption Plat; carried.

Plat and Resolution - Zelenka

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign the SB Plat and Resolution for Anthony J. Zelenka. Motion carried.

Floodplain Special Use Permit - Johnson and Bradley

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign a Resolution concerned with the approval of a Floodplain Special Use Permit Application for David M. Johnson and Laurence R. Bradley. Motion carried.

Resolution - Exemption - Boyd and Day

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for Jeffrey T. Boyd and Judith Carol Day. Motion carried.

Rifle Correctional Facility

Don represented the proposed facilities plan for Rifle Correctional for discussion. A date was set for July 15, 1996 at 3:34 P.M. for Board consideration and public hearing as a courtesy hearing for concerned citizens regarding the expansion of the Rifle Correctional Facilities. Don informed the Commissioners that new legislation had been passed that eliminated the County Commissioners from having direct decision-making authority in this issue, however, staff and public comments as well as input could be given to the Department of Corrections and possible legislation.

Special Use Permit - Beaver Creek Logging Operation

Mark stated he had reviewed the application and it meets the technical requirements for a Special Use Permit for this particular operation. The Commissioners have two options: the Board can refer this to the Planning Commission for their review and comment within the next 60 days and subsequent to a Public Hearing within 60 days for a Public Hearing; or a Public Hearing date can be set without the Planning Commission submitting comment. Mark did state this would need to go to Planning Commission in August due to his full calendar in July if the Commissioner so elected.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to refer this to the Planning Commission on the August 14th date. Motion carried.

Executive Session - Correction Matter

A motion was made by Commissioner Arbaney to go in to an Executive Session to discuss a correction matter. Motion was seconded by Commissioner Arbaney. Motion carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to come out of Executive Session. Carried.

CORPORATE CHANGE OF RELAY STATION

Don DeFord reported there was an Information and Corporation Change Form completed by the Corporation owner. It indicates that Steven J. Strets will be a 10% share owner in the Corporation. The statute provides that when ownership is more than 10% the Board is entitled to review the shareholder. Because it was stated to be 10%, a question was raised whether or not the Board would be entitled to review the character of Mr. Strets. Mr. Cummins took the position that the Board is not and Don reviewed

the statute and spoke to the State Representatives on this issue. Don agrees with Mr. Cummins that the Board is not entitled. The statutes clearly states the new owner must be more than a 10% shareholder. Therefore, Don did advise the Commissioners that they should not proceed with character but accept the information.

Mr. Cummins sent Don a memorandum. Don suggested the Board accept this as part of the record indicating the Relay Station is removing Mr. Strets from seeking the approval of the County Commissioners and withdrawing the request for a hearing. However, Don did suggest that he be approved to write a letter asking that information be provided as to the clarification of the 10% ownership.

A motion was made by Commissioner Mackley to authorize the Chair to sign a letter that states an application has been received striking the work "and examined" for purpose of reporting a change to Cala De Vida, aka Relay Station, Hwy. 82 Carbondale. Discussion: Commissioner Arbaney stated that during the examination process of the Relay Station, Mark McDonald's character had been found as "not of good character" and therefore not entitled to sit on the Corporation; and if the change is made it will allow Strets to become a corporation member. Commissioner Arbaney stated there has not been a settlement and therefore there would be a change in ownership of 45, 45 and 10 leaving McDonald a current stockholder and current director. The motion dies for lack of a second.

A motion was made by Commissioner Arbaney to continue this matter until July 1, 1996 at 11:30 a.m. Commissioner Mackley seconded the motion. Carried.

PUBLIC HEARING - 3.2 LIQUOR LICENSE APPLICATION APPLICANT: THUNDER RIVER MARKET, INC.

Mildred Alsdorf, Maria Manischalchi and Richard Neiley were present.

Mildred Alsdorf presented that this was an application for an on/off premises 3.2% beer retail license. She stated that the notice was posted, proper notification was published in the newspaper regarding the liquor license, fingerprints were sent to CBI, criminal history sent to the Sheriff, assignment of building papers, and incorporation documents and minutes of meetings were submitted and reviewed. This is a new application at an existing location that was licensed. However, at the present time it is open but no liquor being served. The applicants are owner Maria Manischalchi and secretary and corporate attorney Richard Neiley, Jr..

Maria stated that she plans to add a deli and pizzeria, she added some booths and tables for sitting space for the convenience of drinking beer on premises. She currently has a beer and wine license operating as Mama Marie's Pizzeria in Snowmass. She stated she plans to add new awnings, and the present day-old bakery and thrift portion of the store is coming down. She plans to change the current signs on the gas pumps with the correct name and rid the building of outside clutter. She is the owner of the entire building and eventually will re-pave the asphalt surface.

Mildred alerted Maria to watch the college kids as it would be her responsibility not to allow over-drinking at the establishment. Maria owns 100% of the stock; has long term leases with the current businesses housed within the same structure; and stated she has the right to hook into the water and sewer lines in 2003.

The drawing she submitted illustrates her plans for interior remodeling which she estimates will be accomplished by the Spring of 1997.

A motion was made by Commissioner Arbaney to authorize the Chair to sign and issue the liquor license contingent upon the report from the Sheriff's office being favorable. Commissioner Mackley seconded the motion; carried.

RENEWAL - RIFLE CREEK GRILL AND LOUNGE

Mildred Alsdorf presented a renewal license for Rifle Creek Grill and Lounge for Stephen LeDonne stating there was a Corporate change involved which included adding his new wife to the license, Pamela

LeDonne. Mildred added there was no problem known to her regarding the renewal and was informed that eventually Stephen may attempt to gain an optional premise license.

A motion was made by Commissioner Mackley to authorize the Chair to sign and grant a renewal liquor license and approve of the Corporate change for Rifle Creek Grill and Lounge. Commissioner Arbaney seconded the motion; carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd presented his report to the Commissioners.

Update - County Road 154

At last meeting when discussing some of the County projects, King stated he did have an opportunity to speak to Robin Milyard about County Road 154. The City feels that nothing needs to be done to their portion of the road at this time and to just leave it alone. King informed him that Garfield County was considering doing some work on that road and wondered if the City would be willing to do a percentage basis. Robin stated he will pass it on to the City Manager and see what Mike Copp says.

Cardiff Property Boundary Adjustment

Mike Alsdorf and Sam Phelps were present with King.

King presented that Mike was in the process of trying to get his property adjusted in the Cardiff area. In this process Mike determined that there has been some annexations by the City and some abandonment of right-of-ways. This has left the County with a road that is not covered with any easements. Mike has a proposal to try and straighten his property boundary. The County will benefit by becoming involved. Commissioner Mackley requested the exact location of the roadway.

Mike Alsdorf - Left hand side of the old school house in Cardiff close to the coke ovens. He also had a map to show the Commissioners that was marked in colors for better identification. Robin Milyard of the City of Glenwood suggested he request a vacation of 40' on Front Street which is the County right-of-way and deed back a portion of the property. This request would benefit the County, the City and Mr. Alsdorf. Basically it would change from an X intersection to a T intersection. Therefore, chiefly Mike's request was for vacation of Front Street from the County.

King was proposing an off-set.

Mike stated the City has no interest in this property. After this Mike proposes to go back to the City to have his lot lines moved so he would remain in the County. He also stated this was formerly the Hughes property.

Chairman Smith stated Don DeFord would have to be involved.

King stated that he felt Mike wanted to know if the Commissioners were willing to vacate this land before he went any further with his plans.

Commissioner Arbaney stated he did not have a problem.

Commissioner Mackley agreed with Chairman Smith to go out and take a field trip looking at the situation before a decision was made.

Mike stated the utility pole would have to be moved. He further stated that Cardiff was put together when the residents of Glenwood Springs were doing the coke ovens.

The general consensus of the Board was that it will work. A field trip was scheduled for Wednesday June 19th at 10:00 A.M. to see the property.

FIRST READING OPEN FIRE CONTROL ORDINANCE

Don DeFord passed out copies of the proposed Ordinance No. 96-2. Don read the Ordinance into the record and requested it to be published.

Don explained that the Ordinance is the instrument that sets a process but it does not set the ban. The Ordinance must first be in place, then a Resolution is adopted to set it into motion. The Resolution would be prepared by Don and ready for immediate adoption.

Don further clarified that an imposition of the ban under Section II specifies the terms of this Ordinance, you can determine the type of activities and location that are restricted as well as exempt certain activities. It is designed to give flexibility. The Ordinance will go into effect on July 1, 1996.

On the subject of fireworks, Don stated the State has pre-empted the County's right to restrict the use of them. However, the use of fireworks versus the sale of fireworks is not the same. Don reviewed the Statute to see if it makes a determination between sale and use. By operation of law they have enacted legislation to repeal this effective July 1, 1996. Sparklers may be restricted. Also in Section II Don stated the Commissioners could add exemptions including elevation.

The way the Resolution is drafted, the Commissioners will need to address the fire ban every 30 days.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to pass the Ordinance on first reading and approved for it to be published on first reading. Motion carried.

CONSIDERATION OF RESOLUTION - LOS AMIGOS PUD AMENDMENT

Mark Bean, Larry Green, Scott Balcomb, Don DeFord, and Greg Boker were present. Mark stated he has put together an agreement containing the set of imposed conditions which have been discussed with the applicant. In the agreement Mark clarified a representation that was made publicly indicating the roads will be private.

Don called attention to Section 1 referred to as Road Impact Fees. Don clarified that this language as drafted will require payment at each final plat and require the Board of County Commissioners to follow the same amount of fee as well as the timing when funds are due and payable of all developers in regarding to access of County Road 114.

Conditions of approval:

The foregoing Findings are specifically entered subject to the adoption of and strict compliance with the conditions set forth below. Such conditions are a result of consideration of all evidence, including public comment.

ROAD IMPACTS

1. Applicant shall construct, consistent with Board of County Commissioner Resolution No. 92-901, as amended, a northbound left-hand turn lane at the intersection of County Road 114 and Los Amigos Drive, which is the main entry road into Los Amigos Ranch PUD. As further conditions under this commitment, applicant shall:
 - A. Obtain all required approvals from the County to vacate and relocate those portions of the County Road 114 right-of-way necessary for construction of the above left-hand turn lane, which approvals will not be unreasonably withheld by the County.
 - B. Complete construction of the above referenced left-turn lane shall be completed by 9/1/97 or within the next construction season following completion of legal proceedings and entry of final orders granting title to the County of the Applicant for the subject right-of-way above referenced.
2. At the time of each Final Plat approval, a fee shall be paid to the County in such an amount as shall be established by the Board pursuant to a road impact analysis to be accepted by the County at the time of each Preliminary Plan approval. Such fee shall be assessed as a per unit road impact fee based upon the estimated cost of two lane improvements to County Road 114 from its intersection with the highway frontage road adjacent to Highway 82 to its intersection with the entry road to Auburn Ridge housing project. The road impact analysis accepted by the County above, as the same may be from time to time modified to reflect current costs, shall be incorporated into all future analyses used by the County in quantifying road impact fees in the County Road 114 corridor. Payment of said road impact fees, shall be expressly conditioned upon the assessment by the County, at the time of final plat, or proportionately equal road impact fees upon all subsequently developed properties accessed in whole or part by County Road 114.
3. Paragraph 1 & 2 set forth the full and complete obligation of the applicant using respect to improvements to County Road 114 for the complete development of Los Amigos Ranch PUD as herein approved.

Discussion - Commissioner Arbaney stated he felt the left-hand turn lane should have been built prior to now.

Regarding Private roads, Larry stated these roads will be signed and at the present there are no plans to gate the private roads. This issue could be done now or at wait until preliminary plat. Don - reiterated that the public must be notified when and if these roads are made private.

Mark was asked to add this issue to be addressed at preliminary plat.

Left-Hand Turn Lane

Commissioner Arbaney requested an explanation as to the date when the left-hand turn would be completed. Was this in Phase I, preliminary plat? He wanted a date set now that the left-hand turn lane would be added as a condition of approval and built no later than September 30, 1996.

Don suggested that in order to discuss this issue the Public Hearing should be reopened.

Public Hearing - Re-Opened

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to re-open the Public Hearing for Los Amigos PUD Amendment. Carried.

Left-hand turn lane

Larry suggested the postponement in completing the left-hand turn lane was due to the Colorado Mountain College delay and further added that September 1, 1997 is a more logical date to complete this left-hand turn lane.

A motion was made by Commissioner Arbaney to close the Public Hearing. Commissioner Mackley seconded the motion. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign the Resolution concerning approval of the Los Amigos Ranch Partnership application for amendment to the Los Amigos Ranch Planned Unit Development Zone Text, PUD Plan and Development Plan with multiple changes which included: Road Impacts, page 6 1.B. date of completion by 9/1/97 and Section 21 C & A - Submission of Preliminary *Plat* versus *Plan*. Carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign the development agreement consistent with the approval of the PUD Resolution and the representations of the developer. Motion carried.

DISCUSSION - MAINTENANCE AGREEMENT - MIDLAND AVENUE - GREG RIPPY

Don DeFord presented that he had received a letter from the City of Glenwood Springs that they were not going to annex portions of Midland Avenue that join the Rippy/Jolly Subdivision. This was a specific condition of approval by the Board for the Rippy/Jolly Development. Gregg submitted a maintenance agreement for review.

Greg Rippy of 0213 Creekside Court, Glenwood Springs. He had conversation with the City Manager to determine if it was possible to do a maintenance agreement until such time as annexation was agreeable to City and County. Greg had given Don a maintenance agreement between Boulder and the City of Louisville to review that seemed to work for them and it was also an agreement they felt comfortable with in regard to liability issues for the City. The City would take over liability for that stretch of road in the maintenance agreement; the City would take over any maintenance of the berm that may be necessary; and the City would take over the snowplowing which Greg has discussed with the City Manager on that portion of road. King Lloyd had a concern that a plow could ding up the berm and this would be a problem. It is a simple two-page agreement that spells it out. The berm would need to be spelled out and the City's responsibility for all repairs at any such time as may be necessary. For instance, a rock falling and the berm serving its purpose. So the request before the Commissioners is: if they would feel comfortable with the City saying they will pick up maintenance until such time as annexation is done and if never annexed, the maintenance agreement will stay in perpetuity.

Commissioner Arbaney questioned Greg if annexation was only going to be the section where the berm was or where the County starts at Hagar Lane?

Greg - the section suggested is where the Berm is located and actually the limits of what their property is as it is contingent to the County road. So the short answer is no.

Don - that would leave an area of a few hundred feet. Would it be your understanding that the County would maintain this section?

Greg - yes. The County would have the stretch just South of the Racquet Club, down to their property, pick up approximately 800 feet of property line and then another 800 to 1000 feet down to George Petre's house. Greg stated it is not critical to move on this immediately because the market has slowed up. Commissioner Mackley stated the jail issue has been a real wedge between the City and County. He feels if Greg could wait 6 - 9 months until new Commissioners are on board, there would be a honeymoon period. Greg will go back and see if the City is willing to make any concessions.

Sheriff's Department

Sheriff Dalessandri discussed the following with the Commissioners: the bill from Paul Kasampas, which included the two trips to Larimer County Jail to review the work release program and the jail for design purposes; possible litigation, type of contingencies, travel and re-organizational development for transition within the bill; Dubofsky billing; petty cash and travel time; and the medical contract including the proposal, structure and dollar amount.

Executive Session - Consent Decree

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into Executive Session to discuss the consent decree. Carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to come out of Executive Session.

Resolution and Plat - Jowell

Mildred Alsdorf presented a Resolution and Plat for Arthur and Elke Jowell.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Arthur and Elke Jowell. Motion carried.

Resolution and Plat - Boyd and Day

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County subdivision regulations for Jeffrey T. Boyd and Judith Carol Day. Motion carried.

Ranch at Roaring Fork - Partial Amendment Plat

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a Partial Amendment Plat Phase 3 Ranch at Roaring Fork. Motion carried.

Extension - Black

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to grant an extension of time for an additional extension of 120 days for Rosemary Black. Motion carried.

Extension - Zancanella Family Trust

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to grant the Zancanella Family Trust a 180 day extension to complete the SB Exemption process. Motion carried.

County Attorney

Board of Equalization

Mary Lynn stated there were a few cases for hearing before the Garfield County Board of Equalization for an administrative review of the 1996 valuation for assessment of taxes.

The following dates were set aside to hear these cases: July 25, 26, 29, 31 and August 1, all beginning at 9:00 A.M.

County Administrator

Chuck discussed the airport having a director; employee evaluations in regard to Management By Objectives - goals and objectives; personnel issues and the salary survey; contracting with Lisa Cain; an administrative assistant position for the County Administrator's office; and the possibility of having a personnel officer.

Adjournment - 4:55 P.M.

Attest:

Chairman of the Board

JULY 1, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 1, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present was: County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes presented his report to the Board.

The Journal Entries were presented for the Board to review and Chuck explained this shows how all of the County money is entered into the books.

Fairgrounds

Rodeo

Chuck reported the Fairgrounds Committee has dwindled down to 4 or 5 who are putting on the Rodeo.

Fireworks

Fireworks at the County Fairgrounds was discussed. The Fire Department is in charge and the display be held on the Fairground property.

Gate

The Gate is in progress. Strauss is the contractor and he is doing a real good job. He estimated approximately 60 days to re-build the gate. The Gate will have a plaque stating Reconstructed/Restored August 1996.

Operational Auditing

Jim Foster of the Airport Board has offered to do an operational audit for the County at no cost. Chuck says Jim goes in and looks at the organization, does goals setting and efficiency for the County is general. The Commissioners said no.

Mail In Ballot for CAPP

Chuck reported for CAPP. There are two issues of the ballot. The CAPP Board is very concerned about the particular exposure they are taking precaution about how they are taking claims. They are proposing some very substantial alterations and how Takings are insured. Basically now there is a \$250,000 limit and the County and CAPP shared equally in that amount up to the \$250,000. There was no limit on the claims. The Proposal is to go to total exposure to CAPP of \$125,000, but to the maximum of \$250,000 that they participate in. CAPP doesn't participate on a one for one; the County's money goes first, (the \$125,000) and then the CAPP will participate in the next \$125,000. So it is a substantial alteration in coverage.

Chairman Smith questioned if it looks like a large suit is CAPP going to say they will not insure the County anymore?

Chuck responded that this particular questions has been postponed to the November ballot, however, that was not the intent for that particular provision. It originally was left with the CAPP Board to make a decision of expulsion, now it requires a special meeting of all of the members and a 2/3 vote of the members for expulsion. Counties or members of CAPP that are endangering the security of CAPP, those that are over the amounts for claims, are in danger of expulsion.

The Takings Issue is a substantial alteration in the policy. The attorneys will not be in favor of this limitation. The insurance people are saying they need to limit their exposure until this issue gets sorted out. In the Courts, Takings is a relative new issue, however there are some Counties more aggressive and formulating land use regulations that is generating more claims than they feel should be generated under normal circumstances.

Chairman Smith questioned if there was an umbrella provision included.

Chuck stated yes. But, this has total overall limits too. The CAPP Board did recommend this for approval and in discussing this with Don he voiced some input and objections. This coverage is not available to private insurance at all. Don has stated he feels CAPP should be providing this coverage basically without limitations. The CAPP Board of Directors feels that coverage is related to cost and to bring cost in line, it requires them to be conscious of what the premiums will be.

Don stated the problem with regulatory Takings (formerly known as inverse condemnation) is that CAPP cannot provide it and it is not available in the private sector. It's a problem for many Counties in that they would need to expend \$125,000 before the CAPP pool will assist in the cost of defense. And the second issue where there is a technical change which Don opposed is that in a Civil Rights action where damages are sought in addition to which a declaratory judgment is sought, they propose to split or allocate the cost of the defense depending upon the type of claim. For instance if the County is sued under Title VII Civil Rights Act for damages in some type of employment action for denial of due process and the employee wants to be compensated for back pay and for the reputation. Frequently that claim will join the declaratory judgment seeking to have the personnel policy they are challenging found to be invalid, unconstitutional or otherwise against the law. The problem is simply not declaratory judgment, its clear that this is not covered, and it is also clear that if they seek damages this is fully covered. (The policy is written that when an attorney is hired to defend the claim, he is hired to defend the ENTIRE claim so that if a damage claim is brought, the attorney is to defend not only the damage claim but the declaratory judgment). CAPP purports to take this attorney's time and split how the time will be spent in an attempt to be itemized. Don stated this is virtually an impossibility. Don projects some difficult confrontations between the CAPP and the Risk Management staff in how to pay the Attorney's fees. In this County it has never been a problem. Don stated the problem has generated from Pitkin County with their land use problems because everyone of the claims includes a claim for declaratory judgment as to the constitutionality of the Takings Issue as well as the damage claim. If anything adverse occurs in Pitkin County, it is likely to be a declaration of a Taking or unconstitutional and not a damage finding against the County.

Chuck stated risk and expulsion are key issues with the CAPP Board. The meeting in November is where changes can be made. *Chuck* recommends the Commissioners participate.

PITKIN CO. RAIL RIGHT OF WAY/ENERGY IMPACT GRANT

Jon Tripp City Council, *Tom Newland*, and *Chris Lane* from Pitkin County were present.

The Intergovernmental Agreement between Pitkin County, Eagle County, Garfield County, the City of Glenwood Springs, the City of Aspen, the Town of Carbondale, the Town of Basalt, the Town of Snowmass Village, and the Colorado Transportation Commissioner was presented for the Commissioners review. This states these Governments are desirous of cooperating in the purchase and ownership of a portion of what is known as the Aspen Branch of the Denver and Rio Grande Western Railroad right-of-way. This purchase will satisfy the mutual, immediate goal of retaining the property for the good of the general public, and will allow for the development of a comprehensive plan for the highest and best public use of the property. The primary use for the property under this future plan shall be as a public transportation corridor. Secondary uses can include recreational opportunities and access to adjacent public lands provided that these secondary uses do not preclude the primary use as a public transportation corridor.

Chris Lane presented GOCO should have this in for the second round of grants which has been delayed until July 12th. This is a rough draft and the committee is finalizing it for signatures. This grant is asking for the \$2.9 million from GOCO. GOCO had 64 grant applications and they are considering four applications in this round of awards. GOCO has indicated they may not fund all at this time and/or not entirely what has been requested.

Commissioner Mackley stated his concern regarding Garfield County's participation monetarily unless the County has another revenue source. There is a 17% liability for this County and the formula set for the development in the management plan has not been addressed.

Commissioner Arbaney reiterated that the only extent that Garfield County could commit to support would be for the purchase and ownership of the railroad right-of-way.

Chris Lane stated that GOCO understood this was the position at this time of the County.

This was set for the Agenda on July 8th at 8:30 A.M. for final review and signature.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Dale Hancock, Dr. David Hostettler, and Advisory Board Chairman Al Maggard were present.

Jails Count

Total 74. Main jail 29; Work Release 29; females 4; other jails 1; Home Detention 3; no Day Reporting; State Hospital 2; DOC 3. The numbers are lower due to Judge Ossola is on vacation and some changes in court procedures which Tom stated he will be checking into.

Within the jail, the cleaning of vents has been completed. The cleaners projected they did not feel this had ever been done. Tom was real pleased with the results.

CONFIRMATION JAIL SERVICES MEDICAL CONTRACT

Sheriff Dalessandri presented the contract with Preferred Correctional Medical Team, Inc. for medical/dental services and supplies for detainees and inmates in the County Detention Facility in Glenwood Springs. The Agreement sum of \$7,000 per month and an additional \$1.00 per day per inmate when the average daily population exceeds 112 inmates was discussed and Tom covered the scope of services included. The Agreement includes insurance which covers Worker's Compensation, Comprehensive General Liability, Comprehensive Property Damage Liability, and Malpractice/professional liability insurance.

Tom requested the Chair be authorized to sign the Agreement.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to enter into an Agreement with Preferred Correctional Medical Team (PCMT) and upon review by the County Attorney, authorize the Chair to sign the medical services contract for the jail. Carried.

Executive Session - Attorney/Client Litigation

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to go into an Executive Session to discuss Attorney/Client Litigation and provisions of Title 13.

Discussion: Don informed the Board there have been changes in the Open Meetings Act and because of those the Board has to be fairly specific on the basis of the Open Meetings. In this case Don represents the Board and the Sheriff and since this is related to an Attorney/Client matter, no others should be in attendance. Motion carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session. Carried.

Operations

Correction Board/Screening Committee

Dale Hancock reported he was updating the Correction Board By-Laws and Resolutions from 1982 to present. They have been meeting as a screening board for continual in-service and actual processing of the inmate population being referred by the Parole Board for non-residential and intensive supervision purposes.

Weekender Program

Dale reported this program was underway. At the present they are working at the Fairgrounds. Plans are in process to put a 2-way radio into the van which is hooked into the Communication Center. The person hired for the position is a former Marine who was involved in the downsizing of the military. He just finished his CLETA training and is police officer certified. Dale reported he was able to hire him at the entry level. The new employee's name is Andy Boise Harris, II. There is a meeting in July with the judges to present the work-ender program to them. At the present, Dale reported they are working with the Fairgrounds and Road and Bridge concentrating of the public works programs but the other side of this is on the weekend they want these inmates in their oranges taking the pressure off the work release unit. Hopefully, this will begin around the first of August. Dale stated they plan to do the Interstate Adopt a Highway Section and the Landfill that goes onto Langstaff's property.

Letter - Department of Correction Industries Division

Dale stated he had received a letter and possibly will refer this to the individuals in the Valley Resource Management for State inmates due to the basic intention of the program. They are basically offering the supervision for the inmate work crew. The grant only covered the cost of moving the material from point A to point B somewhere in Rifle to be announced at a later date. Dale stated this was tentative and brand

new at this point. There has been a \$1.00 surcharge on tires for a number of years being assessed that set up a low interest loan program. During this Legislature Session, they saw that this was an opportunity to cash in on some of that sentiment that wants to be focused on public works programs for inmates. This is exclusive for illegally dumped tires.

DEPARTMENT HEADS

Department of Agriculture

Dave Gallagher reported.

Noxious Weed Control/Vegetation Management

Battlement Mesa was completed last week. Fifteen plus acres of cracks and curb edges were double treated with a concentrated formula. Dave projected this may last for a couple of years before needing to be done again. County Road 119 is about half way completed. The Western areas (Roan and Kimball Creek Roads) are 80% finished. The reason for the emphasis in this area is BLM's commitment to do the same. The Southeastern portion is the main area for concentration over the next two weeks.

Dave is considering returning next year under contract with Road and Bridge to do some of the weed control.

The Inter-Governmental Agreement for Vegetation Management contract from the Colorado Department of Transportation for \$7,900 and Bureau of Land Management for noxious weed control in Garfield County for \$2,875 were submitted.

Dave reported the I-70 median Scotch Thistle was completed. He also reported the budget status report would be given next week.

Building and Planning

Mitchell Creek - Amended Plat Lot 20

Mark Bean reported and presented an amended plat for Lot 20 Mitchell Creek Project amending the building envelope.

A motion was made for the Chair to be authorized to sign an amended plat for Mark Mischow Lot 20 Mitchell Creek PUD by Commissioner Mackley. Commissioner Arbaney seconded the motion. Carried.
Weaver - Resolution and Plat

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign the Resolution and Plat concerned with granting an exemption from the Garfield County Subdivision Regulations for James K. Weaver. Motion carried.

Gibson - Resolution and Plat

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a Resolution and Plat concerned with granting an exemption from the Garfield County Subdivision Regulations for Paul and Lydia Gipson. Motion carried.

Extension - Jewell

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to grant an extension of 180 days to complete their exemption plat. Motion carried.

Extension - Baharav

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney for an extension of 120 days for Dan and Eva Baharav to complete their exemption plat. Motion carried.

Extension - Brannon Properties

Mark reported John Schenck on behalf of Brennon Properties on a 104 acre tract for 4 splits in Elk Creek, the old Faye Faas property was requesting an additional 120 days to complete the exemption plat.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to grant the 120 extension as stated. Motion carried.

Extension - Faye Faas - Garfield Creek Property

Brennon properties was requesting for Faye Faas 120 days to complete the exemption process on a 36.5 acre tract of property by Garfield Creek.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to grant the extension for Faye Faas as stated. Motion carried.

Extension - Faye Faas - Property Up Garfield Creek

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to grant Brennon Properties a request on the behalf of Faye Faas for an exemption of 120 days to complete the exemption process for a tract of land up Garfield Creek. Motion carried.

Withdrawal - Varani

Mark stated Mrs. Varani called him on May 29 and indicated verbally that she and her husband were going to withdraw their application. Mark has not received a formalized letter to that effect. They indicated they were waiting until the City of Rifle resolves the dispute over the road. This is an Agenda item for today.

Community Operations

Dale Hancock, Dave Evans and Mike Dant of UPN, Channel 20 TV from Golden, Colorado were present. Dale presented that this has been an on-going conversation with the Commissioners related to the interest of Channel 20's attraction of off air programming in this area for a conditional proposal which addresses the equipment they wish to purchase as well as the licenses to allow for this programming to occur in the County. These men will do the engineering and the testing. One additional piece of the proposal will address the electrical costs and added dollars onto the proposal for operating on those sites.

Channel 20 offers: United Paramount Network currently three nights per week with shows such as Star Trek, Voyager and this Fall they will be carrying Big 12 Football and working on a contract with Colorado Avalanche. Therefore, primarily affiliated with United Paramount but they do have independent programming as well. WTCI will take a signal from their facility path up Sunlight Peak then feed one of Garfield County's translator systems, one channel, and translate from the Lookout site over the air in Glenwood Springs. Sites such as Silt, Rifle, Parachute, and Rulison should pick up the Sunlight Signal. At this point they stated they may not need to use the Anvil Points sight, however during the next several days this will be determined.

Channel 20's offer made was \$20,000 for 5 FCC licenses and \$25,000 for equipment and in addition pay a sight lease plus AC power cost, whatever it calculates to be.

Commissioner Arbaney - prior to signing on this contract he wants some kind of a reversionary clause in the event their business failed, for whatever reason that these licenses would come back to Garfield County to protect the public interest in the future.

Chuck added the County would have 36 licenses left after these 5 are sold. This is 3 channels per sight.

Dale stated that some sites on the translators did 2, 3, and 4; however, these were site specific. Roan Creek only did 2 and Sweetwater 2. There is no signal at Sweetwater now per Dale or if there is it is through KREX 's translator. The County shut down last summer. KREX is operating and it is their responsibility. This transmits to the Roan Creek, Baxter Pass areas. All the equipment there belongs to the County however.

Chuck stated the County only delegated the maintenance responsibility to KREX.

Mike Dant - the station engineer stated Channel 20 came on the air December 1, 1988 and in March of 1994 they were bought by a company called News Webb out of Chicago. Since then their parent company has decided to get their signal more distributed out over their DMA which includes virtually all of Colorado and parts of even Nebraska and Wyoming. He stated they were not currently on a satellite because this cost well over \$1 million a year. Mike said they are not a large company but do have a presence with Sports and the UPN Network. In addition they offer 24 hour coverage.

Dale stated they want to be broadcasting by late August and mid-September.

Commissioner Mackley and Smith agreed that this makes sense. Don has not looked at the actual contract as yet.

Dale - Dick Miller is the author of this proposal and did a research with various cable companies. This is going not only off channel but also on a "must carry" designation according to the newest requirements of the cable format. Battlement Mesa/Parachute area was contacted and they expressed some discontent with the quality of picture that had been provided off air in these areas. Dick's biggest concern is that he wants a quality picture to be brought in wherever that may be and the engineering staff needs to resolve this question as to whether the extra hop at Anvil Points is appropriate to the broader viewership or whether there are more advertising dollars to be considered in the Battlement Mesa versus quality of picture issue. They are focusing on the number of houses they get the advertising into. Dale focused on the fact that there is a conditional proposal on the table with a 45 day window to do this and Channel 20 would like to resolve this for final detail by end of July.

The contract review/acceptance was set on the Agenda for July 15 at 8:30 A.M. - Consideration of Channel 20 Conditional Offer for Translator Licenses and Equipment. Mike Dant, the Station Manager, affirmed that the engineering studies will be done by then.

The Vacation Channel

Dale - added that he had just received a fax that presented yet another offer, the Vacation Channel out of Branson, Missouri with regard to their interest in the television system. What they would like to do is buy two licenses, one for Channel 52 and one for Channel 47. Dale stated they are aware of what the Channel 20 offer relates to and this company will apply for conditional transfer for one or both of those licenses to relocate to Breckenridge to do broadcasting there. Their offer is \$10,000 per license and \$2500 per piece of equipment. Dale suggested the Board may want to also leave a period of time on the Agenda in July to discuss further the offer tendered by the Vacation Channel as well. This company just wants the licenses. The licenses they want are for Sunlight. Dale stated there were 4 UHF licenses on Sunlight and Channel 20 wants one of the four for their purposes; the Vacation Channel wants two. This would leave one UHF license on Sunlight. Channel 20 is the reality and they will present a proposal on July 15th making an offer in earnest. The Vacation Channel is left open for review.

Extension

Fair and Rodeo

Carol McNeal handed out the booklet for FAIR AND RODEO for 1996 and reported these booklets are out and being distributed.

Carol reported some of the employees were working overtime over 40 hours. However, it is Regina mostly at this time.

The moving is in progress. Construction is being considered. However, the move should wait until after Fair Time.

The entries for 4-H are due by July 15, 1996; and the Auctioneer as been contacted for the Kiss-A-Pig Contest.

Drinking problem:

Chuck spoke with Darrell Meisner and the City of Rifle open container law applies therefore, if he gets a phone call the law will be enforced. The Sheriff's department will also patrol the area. Carol has mentioned this at her meetings and with staff and volunteers.

Chuck stated the "no drinking" could be placed on the marquee.

The Fairboard meeting is scheduled for July 11, 1996. Pepsi is set up for the pop stand and selling other items out of it. This will only be in the livestock areas. Fairboard will set up a pop license. There is a Fashion Review at the Mall and their employees have been really helpful, setting up the stage. Penny's and others have offered to help. There are 24 kids signed up.

Communication

Jim Stevens reported on July 18th at 3 P.M. in Frisco at the Holiday Inn there will be an Energy Impact meeting.

Jim handed out a written report. He stated the Communication Upgrade Grant Application is looking real strong but they have stated they would like to see more matching funds. Ross Talbot is willing to donate a repeater communication site in exchange for services basically except for utilities. Jim stated he believes that Tim Sarmo will accept this as in-kind donation. This is an estimated \$100 month and it would be \$20 per month for utility cost.

Jim presented an estimate and layout sketch for what he is proposing to remodel with the existing Communication Center. The materials save electrical are included in the \$7,221.00 estimate. Labor would come from inmates at the jail. This includes moving and/or shifting walls, carpets, a smoking area for dispatchers to get them away from the equipment yet able to monitor the system, and adding air conditioning. During the last month the office has been running 79 to 80 degrees every day. That is hard on the equipment and the staff.

Chuck stated there was no capital line item in the budget and to do this will require an additional appropriation.

Jim stated he had discussed this with Chuck and it was suggested to bring it before the Board.

Chuck stated he was still unclear on the status of smoking in the Com Center - I thought it wasn't supposed to be.

Commissioner Arbaney stated there isn't smoking anywhere else in the building and there is a non-smoking room and that is, as far as he's concerned, enough.

Jim stated he was unclear on the non-smoking policy as well. When he took the job he was told by several different sources that previous Commissioner's Board, whenever they created non-smoking in the Courthouse, gave the dispatchers exemption since it's not a public area, it's a secured area and since the dispatchers can't....

Chairman Smith stated she didn't think they did. Maybe Mildred can find it in the records, but we just said, it's non-smoking and it's non-smoking. How many smokers do you have? Jim indicated that out of 10 dispatchers, 8 of them smoked.

Chuck stated it was an occupational hazard.

Jim also stated it was a situation that dispatchers cannot get up and leave dispatch because it leaves them short-handed. You never know when you'll have several calls at one time.

Commissioner Arbaney stated he was a smoker and he's never left a meeting to have a smoke yet.

Chairman Smith stated the problem they have is the second hand smoke is worst for you than smoking yourself and she voiced that for those who do not smoke it creates a real health hazard.

Jim stated it was a very delicate situation for him because it was a morale issue as well as the stress gets so bad sometimes in the Communication Center that you can cut it with a knife. I don't want to take away something that can help them relieve their stress. On the other hand, the second hand smoke to the non-smokers, as well as to the harm to the equipment, with all the carbon in the air creates something that he wants to find some middle ground. In this plan he submitted, he created a wall and a smoking area. The duct work would be used to see the consoles and there is an exterior vent already in place, so it could be designated as the only smoking area and have it ducted out. That is the best compromise that Jim stated he could come up with at this point. The only cost is the wall and a better exhaust fan than is in there presently. Beyond that Jim said he couldn't think of anything more creative than saying no smoking whatever.

Chairman Smith stated she thinks that is the message Jim was getting. She stated she could not remember but would have Mildred check and see. They may have plead the case to us before, but she couldn't remember. She really thought the Commissioners said no smoking is no smoking.

Chuck stated as a matter of fact, he thought the Commissioners got a proposal from Verne Soucie to construct a non-smoking area in the Communication Center at considerable expense and at that point and time he thought the Commissioners reiterated the policy. Therefore he did not feel it was a new subject.

Jim stated he originally didn't want to separate the smoking area out but he will look at a 6x6 area at \$18 per sq. foot plus a better fan and duct work.

Chairman Smith stated they created the room downstairs and it is just awful.

Commissioner Arbaney agreed as a smoker he wouldn't go in there.

Chairman Smith said it was like a gas chamber in there.

Jim focused on the fact that there were two issues - whether to have a smoking area or not and then also the remainder of the construction.

Chairman Smith stated they first needed to know if there was money in the budget.

Jim stated he felt the carpeting and air conditioning were fairly important. He has had to glue down the carpet recently where threads were coming out and a long rip of about 2 1/2 feet long.

Chairman Smith agreed that the carpet in the entire building was beginning to show its age.

Jim again stated the air conditioning was a big issue. He has worked with Rich as much as possible reiterating the system is over taxed and all has been done that can be with the existing system. To add an air conditioner is the least expensive way to remedy the situation.

Chairman Smith stated Chuck will be gone until July 18th so until Chuck gets back and looks into the budget, this issue will have to be postponed until the first meeting in August. Mildred will have to research on the other and she will not have any time until the first of August to do that. She did advise Jim to inform his staff that the non-smoking policy....

Commissioner Mackley stated it was discriminatory to the rest of the Courthouse.

Jim agreed and stated the comments he had heard regarding the exemption policy, even though he has yet to find a document to say the same, is that dispatchers are different because they are locked into a position where they cannot even leave for lunch, much less for a 15 minute break. So this is a different situation than most Monday through Friday workers.

Chairman Smith requested Jim return again under Department Heads on the August 5th Agenda.

Jim stated if he could find the money outside the budget he would show this as an additional matching funds against the Energy Impact Grant as well. He needs another \$15,000 in hard money to gain that last \$50,000.

Chairman Smith stated if the Commissioners state that this is matched, they can't commit to the project until the money comes back.

Chuck stated they have made some exceptions and it would require a discussion with Tim Sarmo informing him what the County was trying to do. You cannot obligate any State funds, there is no question on that. It is urgent then that Tim has agreed.

Jim stated he had discussed this with Tim and Tim agreed that it would be matching. Also, the Energy Impact Grants are to be awarded in August so the timing would be right.

FINAL READING OPEN FIRE CONTROL ORDINANCE

Don DeFord and Tom Dalessandri were present. Don presented a memorandum with attached documents showing the amendments requested by the Commissioner. Mildred Alsdorf affirmed the Ordinance was published and that publication took place on June 19, 1996 in the Citizens Telegram and the Carbondale Journal. She stated both papers were of general circulation.

Mildred also stated this Ordinance was originally presented on June 17, 1996 to the Board of County Commissioners.

Don stated he needed some proof of the 15% or thousand hour fuel moisture content to establish the bans. Guy Myers position is that this is an appropriate measurement. Dennison of the State Forest Service also stated this was an appropriate measurement to provide the best standard. Dennison stated this can be obtained from the State Forest Service as to when the fuel moisture level content drops below the fire hazard standards. BLM obtains this from the National Weather Service in Grand Junction. Don further added that it is not required but it will give the Board the option to implement the ban. The Sheriff can contact the Forest Service daily and report on a weekly basis. The order is to first establish the Ordinance then a Resolution. Don suggested this could be changed week to week if necessary.

It was suggested the Sheriff could set a standard on moisture content or by a phone call to the Commissioners for a special meeting. However, Dennison has informed Don that this would not change from day to day.

Don clarified that this meeting required a notice of at least 24 hours due to the Open Meeting Act. Colorado is the first state for unified bans on fire control. Don added there was a variety of restrictions that can be imposed by the ban.

The Resolution puts the ban in place. Regarding fireworks, the recent actions at the State Legislature states the County cannot restrict fireworks under the same provision as open fires.

The legislation does encourage individuals not to use fireworks but does not restrict them. However, if you set something on fire with fireworks, you are liable.

Acceptance of Ordinance 96-2

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to enactment Ordinance 96-2. Motion carried.

Resolution

Discussion: Implementation of the Resolution was postponed as there was not enough documentation to justify imposing bans. Guy Meyer and Sheriff Dalessandri were to obtain daily readings through the Forest Service and bring those reports next week.

A time of 10:30 A.M. was set on the Agenda for the July 8, 1996 Board meeting.

Mildred, as Clerk and Recorder, was instructed to publish in full the Amended Ordinance. Don stated the Ordinance would be in effect upon publication.

County Fair August 9 - 18 - Fairgrounds

Chairman Smith informed Tom there would be a Fairboard meeting on July 11, 1996 at 7:30 P.M. and suggested it would be good to have someone there who could listen to the concerns expressed by the Extension Board. Rifle has a City-wide open container law and this is one of the problems.

Sheriff Dalessandri was requested to ensure the open container law was enforced during the regular duty of the deputies. Chairman Smith informed Tom there was a big concern about the use of alcohol on the Fairgrounds.

CONTINUED CORPORATE CHANGE RELAY STATION/CALA DE VIDA

Don DeFord presented: Richard Cummins has requested a continuance and stated he is in a quandary and needs time to speak with his clients. Phil Henke may have to be involved as owner of the property. An agenda date of July 15th, at 4:30 P.M. was set.

A motion was made by Commissioner Mackley to continue the Corporate Change for the Relay Station/Cala de Vida until July 15, 1996 at 4:30 P.M. Motion was seconded by Commissioner Arbaney. Carried.

Executive Session Consent Degree and On-going Litigation

A motion was made by Commissioner Arbaney to go into Executive Session to discuss the Consent Degree as it relates to on-going litigation. Commissioner Mackley seconded the motion; carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session. Motion carried.

Bills and Payroll

Chuck presented the bills for approval.

ROAD AND BRIDGE DISCUSSION

King Lloyd reported on cost summaries, budget figures, and revenues for 1996. The subtotal of chip/seal coat - \$502,072.00; known gravel - \$75,891.00 and major reconstruction \$2,695,311.00 for a total of \$3,273,274.00. Revenue \$818,037.00. A complete report was submitted.

Three month cash balance -	\$ 775,000.00
County Road 109	1,500,000.00
Equipment Reserve	250,000.00
Capital Project *	400,000.00
South Canyon Bridge	80,000.00
Available Fund Balance	<u>150,365.00</u>
Total	\$ 3,155,365.00

*Four Mile Improvements
Reserve for Mamm Creek
County Road 320 Entrance To Rifle
Contingency

King reported, if you take the monies budgeted, the available fund balance, gives us a total of \$832,172 to use towards the projects.

If you take the maintenance items that have been identified, the chip/seal coat and the maintenance gravel and add those together it gives us \$577,963 with \$254,209 left to put towards major reconstruction.

County Road 114 in King's estimation, due to the amount of construction and the potential of Los Amigos, is not worthy of seal coat and would adjust the budget by \$25,854.00. The next money spent on that road would be a reconstruction. Potentially King suggested to do crack sealing and if some places are failing, spot patch those, but the 1.5 miles is not worthy of a sealcoat.

Commissioner Arbaney suggested also County Road 117 be eliminated reducing the budget by \$17,501.00. Commissioner Mackley suggested gravel and mag on County Road 250.

Commissioner Arbaney suggested to just gravel one-half the road and gravel and mag the other one-half. This is one way to stretch the money that is allocated for Road and Bridge. This would save \$30,000 back into the budget. This would give \$300,000 toward re-construction efforts.

154 Road

King reported Jim Gambrel stated there is some talk that the City may be considering undergrounding the electrical for County Road 154. (The portion of the 154 Road to Hwy. 82) This would impact the road more that it has already been impacted. King clarified that in his report he shows this road in the major reconstruction projects, but an asphalt overlay of the existing surface for leveling was more the concept.

Chuck suggested a proposal be submitted to the City to give them \$50,000 toward improvement and see if they will annex the road.

Major Reconstruction Projects

Commissioner Mackley suggested County Road 117 from Bershenyi down this year. King stated he would contract this out; just the traffic control would be a nightmare for the County. Chairman Smith stated County Road 215 has a big gap where the pavement has washed away.

King stated he would look into this.

County Road 100 from Catherine's store at Hwy. 82 to the bridge was discussed. County Road 117, County 154, and County road 100 all require more money that available to work with. Commissioner Mackley stated County Road 100 and County Road 117 were definitely to be done.

Chairman Smith suggested getting in touch with the developer, Ron Liston to see if he is ready to do his subdivision on County Road 100. It would be better to coordinate with them.

King was instructed to:

Proceed with the bidding with the overlay for County Road 154.

Reconstruct: Glenwood District - County Road 117 - Bershenyi to Colodny Gate - top half (contract out); and County Road 100 - State Hwy. 82 to bridge; Rifle District - County Road 250 - drainage improvements, and chip seal; Silt District - CR 327 and CR 324.

Glenwood District - Seal Coat - CR 112; CR 100; CR 113; CR 114; CR 103; CR 117; CR 102; CR 101 and CR 170.

Glenwood District - Gravel projects - (portions of) - CR 115; CR 119; CR 134 and CR 137.

Silt District - Seal Coat - CR 331.

Rifle District - Seal Coat - CR 226; CR 210; CR 229; CR233; CR 261; CR 265; CR210; and CR 226.

Bridge Grant

King reported good news - the County was successful in getting the bridge grant. As an update on this 80/20 bridge funding source, he stated the legislation on that is getting ready to sunset. CARSE (County Association of Road Supervisors & Engineers) is trying to supply information to CCI and depending upon how the various Counties want to go with extending legislation, hopefully CARSE can give them enough information so that everyone knows all the issues and a good decision made.

The following bridges in Garfield County were awarded the bridge grant - 134 and 346.

The following bridges in Garfield County are weight restricted: 129 Canyon Creek; 245 Main Elk Creek; and 346 structurally deficient. CTSI is meeting in September. The Commissioners voiced they wanted to extend the bridge fund and not sunset.

Scale Bidders

King gave an update. There were three bidders on the concrete and CONSI was low on the bid at \$13,900; the building has been taken down and unloaded at the landfill this morning; anticipating the concrete work will be done by June 8th, and start moving the scale down then.

CONTINUED PUBLIC HEARING - (5-13) SUP AGRICULTURAL RELATED BUSINESS LOCATED ADJACENT TO EAST SIDE RIFLE OFF WHITERIVER AVENUE/APPLICANT: JOSEPH AND EMILY VARANI

This is a Special Use Permit for an Agricultural related business - meat processing on a tract of land located in an area on the northeast side of Rifle, near the confluence of Government and Rifle Creeks.

Mark reported the public hearing was continued however, the Varani's have withdrawn their application due to inconsistencies of road issues with the City of Rifle. Mark has not received a letter but did have a verbal conversation.

A motion was made to close the public hearing for Joseph and Emily Varani by Commissioner Arbaney and seconded by Commissioner Mackley. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to recognize the verbal withdrawal of the Varani application. Carried.

PUBLIC HEARING - SPECIAL USE PERMIT TO ALLOW SETBACK CHANGES AND CONSTRUCTION OF AN OFFICE BUILDING. LOCATED APPROXIMATELY 1 MILE NORTH OF PARACHUTE ALONG CR 215. APPLICANT: BARRETT RESOURCES

Eric McCafferty, Don DeFord and Brad Moss of 405 Will Avenue, Rifle were present. Eric, for Don DeFord, determined adequate notification was timely and in order and directed the Commissioners to proceed.

Eric presented: This is a special use permit to allow the construction of a permanent office building and a change in the applicable yard setbacks of the R/L zone district. The subject tract is approximately 6.73 acres in size and is located one (1) mile north of Parachute on the northeast of County Road 215. The tract is currently home to an industrial facility operated by the applicant and is bordered to the southeast by Firetrucks Northwest. The site has been cleared of vegetation and consists of a temporary office, storage and truck parking.

The applicant is requesting a Special Use Permit to allow the construction of a permanent office building and related facilities including a storage building, parking shed and the placement of construction trailers. The following exhibits were submitted: Exhibit A - proof of publication; Exhibit B - returned receipts; Exhibit C - Application and all attachments; Exhibit D - Project Information and Staff Comments, as well as attachments; Exhibit E - Copy of Garfield County Zoning Resolution 1978 as amended. Chairman Smith admitted the Exhibits A - E into the record.

Recommendations:

Staff recommends APPROVAL of the application, subject to the following conditions:

That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

The applicant shall have 360 days from the date of the conditional approval to meet all conditions set forth. The Special Use Permit shall be issued when all conditions stated herein are met and shall expire 360 days after issuance, unless construction or use have commenced.

That the applicant shall consult with and receive a driveway permit from Garfield County Road and Bridge Department regarding the additional access from County Road 215, prior to the issuance of the SUP.

That the proposed "crew trailer" is specifically not permitted.

Prior to issuance of a building permit, the applicant shall prepare and submit a soils and foundation report and an I.S.D.S. design prepared and certified by a professional engineer. All improvements shall be constructed in accordance with such measures, which shall be a condition of the building permit.

All construction shall conform to all applicable portions of the 1994 Uniform Building Code.

That, by approval of the Special Use Permit, all yard setbacks for the subject tract of land, as recorded in Book 899 Pages 213 - 215 of the Garfield County Clerk and Recorder's Office shall be 25 feet from the property line. All other zoning requirements of the R/L - gentle slopes and lower valley floor - zone district shall remain in effect.

That the applicant's stated means of reclamation and rehabilitation of the site will be sufficient to adequately reclaim the site, pursuant to Section 5.03.907.2 (A) of the Garfield County Zoning Resolution of 1978, as amended. Reclamation of the site will be required upon cessation of the uses allowed by this Special Use Permit request unless another special use permit is issued.

Brad Moss stated Barrett Resources has been renting and would rather not rent any longer and instead build a permanent office structure. They are contemplating a steel building with a nice face on it.

Sid Lindauer - Ranch on County Road 250 - the present sewer line runs up to within the Firetruck place on the west side of the County Road.

Brad Moss - stated they would like to tap into the City sewer system but Dave Rosseau stated the sewer line deteriorated.

Sid - stated he did not have any objections to the building but was wondering why the setbacks. He also expressed noise from the tankers with the use of air horns.

Brad Moss explained the setbacks and also clarified when tankers go back they use air horns. Brad stated he would caution the drivers to stop doing this.

King Lloyd stated that he wanted the new access driveway to be an asphalt driveway at County Road 215 to at least the County right-of-way. He estimated this to be about 25 feet consistent with the Road and Bridge specifications. This will protect the County Road investment. This was added as an Addendum to No. 3.

A motion was made by Commissioner Arbaney to close the public hearing. Motion seconded by Commissioner Mackley. Carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve the request for a Special Use Permit for Barrett Resources Corporation to allow the construction of a permanent office building and a change in the yard setbacks as depicted in the packet for a parcel located as described in the staff packet with all major issues and concerns, suggested findings and recommendations with the addition of an addendum to No. 3, access driveway within the County Road 215 Right-of-Way from the edge of the road to the edge of the right-of-way be paved with asphalt consistent with provisions in the drive-way permit. Carried.

PUBLIC HEARING - SPECIAL USE PERMIT - FLOODPLAIN LOCATED IN RIFLE VILLAGE SOUTH APPLICANTS: BOB AND TOBI STATLER

Eric McCafferty, Don DeFord, Bob and Tobi Statler were present. Don determined that adequate and proper notification was given.

The following Exhibits were presented: Exhibit A - Proof of Publication, Exhibit B - Returned receipts, Exhibit C - Application and all the attachments, Exhibit D - Project Information and Staff Comments as well as attachments, and Exhibit E - copy of the Garfield County Zoning Resolution 1978 as amended. Chairman Smith admitted Exhibits A - E into the record.

Eric presented: This is a request for a special use permit in a floodplain on approximately one (1) acre located one mile southwest of Rifle on Winchester Street in the City of Rifle within the Rifle Village South subdivision. The applicants are proposing to construct a new single family dwelling on land that has been identified as existing within floodplain zone AO, a special flood hazard area that can be inundated by types of 100 year shallow flooding where depths are one (1) foot or less and velocities are four (4) feet per second, therefore, requiring the issuance of a Floodplain Special Use Permit.

Recommendations:

Staff recommends APPROVAL of the Floodplain Special Use Permit, pursuant to the following conditions:

That all representations by the applicant made before the Board of County Commissioners shall be conditions of approval.

Prior to the approval of a final/certificate of occupancy for the residence, the property owner shall submit an elevation certificate, signed and stamped by a licensed land surveyor, for the finished floor elevation of the single family dwelling unit.

All foundations shall be cast-in-place, reinforced concrete footers and stem walls. All foundation designs should be based on site specific geotechnical soil and foundation investigations. All foundations should be reviewed and approved by a registered, professional structural engineer, who should review foundation designs in regard to hydrostatic and hydrodynamic loads and buoyancy.

That the finished floor of the residence be a minimum of one (1) foot above the adjacent finish grade.

That grading around the entire perimeter of the residence be such that there is one (1) foot of vertical and ten (10) feet of horizontal distance away from the house. This minimum grading must occur from a distance of a minimum of fifteen (15) feet around the house.

The construction of the residence be performed in accordance with current Uniform Building Code criteria.

A motion was made to close the Public Hearing by Commissioner Arbaney and seconded by Commissioner Mackley. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve a Special Use Permit for Bob and Tobi Statler as described in the staff packet with all major issues and concerns, suggested findings and recommendations. Carried.

County Attorney

#35-96 - Berthod Motors Special Use Permit - Glenwood Springs Planning and Zoning Commission

Don DeFord presented a letter regarding the SUP outlining the conditions surrounding the Sunlight Bridge property that the City staff was proposing to make the Commissioners aware. The conditions in the letter

are the ones they felt they could live by. City Planning voted to approve it 6 - 1 based on these conditions. The next step in this process will be to transfer the property. There is no time frame set. The city planner, Andrew McGregor requested a meeting with Don to discuss the resolution of these details. Don stated he had spoken to Fred Gerbaz regarding each of the conditions.

Don further clarified the method stating the County would do a deed to Gerbaz for the entire parcel, Gerbaz will do a boundary line adjustment that incorporates the 6,000 sq. foot peninsula and transfer the remainder of the property to the City. Underneath the 6,000 foot peninsula, when he plats that boundary line adjustment, he will have to plat an easement for the City's drainage structure.

Te Ke Ki and Aspen Crystal River Property

Don reported his discussion with Mr. Considine was that he understands the County 's concerns on development and thinks the County's concerns would be assisted to transfer the properties in TeKeKi and Aspen Crystal River to him. Mr. Considine is willing through some type of process to make sure the properties he owns in Te Ke Ki and Aspen Crystal River are vacated as subdivision lots if he can have all of the lots so he can consolidate them under one ownership. Don added the value of land is starting to be cost effective to especially purchase a lot such as ones in Aspen Crystal River Estates knowing that you are going to have to go into expensive litigation to get access. At some point there will be access to those lots.

Don summarized, the request before the Commissioners is this, will the Commissioners ask the planning department and Don to work on some type of mechanism to put covenants in place. Mr. Considine's argument is that since he owns the majority of the lots in both subdivision, if he and the County would agree on a mechanism to put these covenants in place for all of the subdivision, perhaps the two parties could restrict any development.

Don cautioned the Commissioners of the potential Takings question on any action taken on these lots. Lots are worth more than \$5,000 per lot.

Commissioners stated they were not in favor of Mr. Considine's offer.

Bills - Motion to Pay

A motion was made by Commissioner Arbaney to pay the bills of June 30 and the payroll. Motion seconded by Commissioner Mackley. Carried.

PUBLIC HEARING - ABATEMENTS APPLICANTS: SHANGHAI GARDENS, GARY S. AND ELLEN WOODS

Deanah Rayne presented the abatements and explained that upon physical inspection of Shanghai Gardens an inventory of personal property revealed it was listed incorrectly and over-valued by \$44,000. This was due to a computer calculation error.

Gary and Ellen Woods involved subject property assessed in error in the amount of \$807.23.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the abatements of \$1240.75 for Shanghai Gardens, and a total of \$44,807.23 for Gary S. and Ellen Woods. Carried.

Executive Session - Consent Decree and Litigation Matters

Dale Hancock, Don DeFord, Chuck Deschenes were present for an Executive Session to discuss the consent decree and litigation matters.

Adjournment 4:15 P.M.

Attest:

Chairman of the Board

JULY 8, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 8, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present was: Building and Planning Mark Bean for County Administrator Chuck Deschenes County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:03 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes was on vacation and Mark Bean gave the report.

The First Annual Extravaganza was held on Saturday, July 6, 1997 and Mark reported the event made around \$800.00 toward the Christmas Party for the County Employees. Commissioner Chairman Smith and Commissioner Arbaney attended briefly.

Fairground Contracts

Mark presented stall rental agreements for the Garfield County Fairgrounds for the Colorado Quarter House Show Association for July 13, 14, 24 and 28.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the rental agreements. Carried.

Correspondence

Commissioner Arbaney is planning to ride the mass transit car attached to the back of the Amtrak Train on Tuesday, July 9, 1996 to Grand Junction.

Chairman Smith mentioned the article in The Glenwood Post, July 8, 1996 regarding Fletcher Anderson's Rifle Community Airport. She stated this should be noted that it is the Garfield County Airport. It appeared in a Letter to the Editor. This issue was brought to the Commissioner's attention that efforts should be made to ensure county residents understood this was the County Airport, not Rifle's.

BLM - 5 Year Contract/Weed Control

Chairman Smith referred the contract with BLM for Weed Control to Don DeFord for review. Don will review to determine if there is a yearly renewal option and report back.

Chairman Smith stated the County weed problem needs to be addressed by the various businesses as well as the City and County.

Executive Session - Consent Degree and Two Other Litigations

Don stated he needed an Executive Session and requested Mark Bean remain since he is the Acting County Administrator in Chuck Deschenes absence. The issues to be discussed included: an update on the Consent Degree and two new pieces of litigation, Marsh and Nystrom.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session. Carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session. Carried.

PITKIN CO. RAIL ROW/ENERGY IMPACT GRANT

Don DeFord, Mark Bean, and Chris Lane of 530 East Main Suite 301, Aspen were present. Chris submitted an original copy of the Pitkin County Rail Right of Way/Energy Impact Grant and an addendum for signature. Don interjected that signatures needed to be on both the original and the addendum. Don

stated the addendum did conform to the changes suggested by him. This allows each of the parties the right to review the "right of way to be conveyed." This is a consensus agreement provision that should there be a dissenting vote, this stops whatever issue is at hand. This puts the Commissioners in a position to review and have a say in what occurs.

Don stated the Chair needs to be authorized to sign the inter-agency agreement originally dated December 1994 and authorize the Chair to sign the addendum as well.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign the original Intergovernmental Agreement by and between Pitkin County, Eagle County, Garfield County, the City of Glenwood Springs, the City of Aspen, the Town of Carbondale, the Town of Basalt, the Town of Snowmass Village, and the Colorado Transportation Commission dated December 31, 1994 and the current addendum. Carried.

Chris Lane requested a copy of the document for the grant proposal.

Discussion occurred on the dissent issue - page 2, paragraph 3 "Authorization to Negotiate."

Commissioner Arbaney is the designated representative for this committee.

Several issues needed to be clarified and Chris made a commitment to relay this back to his board and resolve the issues as related to him.

JAIL DISCUSSION

Sheriff Tom Delassandri, Dale Hancock, Ron VanMeter, Don DeFord, and Chairman Al Maggard and Doyle McGinley of the Jail Advisory Board were present.

Total in jail - 80. 31 main jail; 38 Work Release; 5 females; 1 other jails; 2 Home Detention; no Day Reporting; 3 State Hospital; 4 DOC. Tom stated these inmates have been in the County Jail past the time limit due to DOC being backed up and out of bed space, therefore DOC will be charged \$43 per day.

Screening for Community Corrections

Dale reported the Courts are the one authorizing the transfer to Community Corrections. He stated there has been a significant number qualified but are already off and out of the system.

Home Detention

The ankle bracket requires the offender stay at home and the court sentence is compared to Day Reporting with regard to the same limit of safety consideration is being evaluated which is low need/low risk. Most of those that qualify have been charged with misdemeanors.

Fires

The fires have been occurring at the East end of the County. Sheriff Delassandri did not have the particulars on the fires, however tossed cigarettes from cars were the suspected culprit. These fires were in the medium nonetheless they did require a lot of fire equipment. No other fires were reported over the weekend and no problem with fireworks were reported.

Air Conditioning in the Jail

Tom reported since the vents were cleaned so far the cooling system is working adequately.

Community Corrections

Dale Hancock reported the contracts from the division were received today and needed Mildred to attest and place the County seal so Dale can send these back to the Attorney General. The total was \$253,500 for Community Corrections with population increased from 15 to 19, adding 4 new beds. He added that a second contract will be forthcoming providing services to Parole and Community Corrections. This contract will generate between \$10,000 and \$12,000 for nonresidential services. The bills for \$8000 for the month of June for residential services provided, which will not be paid due to the funding being depleted, was made known to the vendors in advance. The ones this affects are Com Cor in Colorado Springs, San Luis Valley, Alamosa, South West Colorado Community Corrections in Durango, and Pier One at University of Colorado Health Science. Dale said all vendors were advised at the end of May that this was going to occur so they were not surprised.

Commissioner Arbaney stated this next year is different in the fact that the Corrections Board will be screening all placements for the Community Corrections. This was formerly done by the Probation Department. Had the Community Corrections Board been screening the candidates, it is likely they would not have overspend the \$253,000. Dale added, if the sentencing patterns hold true to form, this impact will

be minimal because those inmates will be on their way to the State Prison because Community Corrections is not supposed to be an alternative to the Probation or County Jail, rather an alternative to the State Prison System.

Al suggested the Board will need to be careful in screening. The Board will receive a full month of training on real cases that are being sentenced out of these courts. The Screening Committee members are Colleen, Dole, Eva Melby, and Dale. Al and Dave serves as alternates. Terry and Dale are non-voting members.

Al announced the regular meeting of the Jail Advisory Board was scheduled for Thursday at noon, July 11th. Chairman Smith indicated she would attend.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Area Trauma Advisory Council - Northwest Associated Council of Governments.

Sharon Eshelman - Trauma Coordinator for Valley View Hospital reported she was preparing the hospital for a Level III Trauma Center designation which was directly involved in the State Trauma Bill which was passed about a year ago. The State Trauma has suggested that each area needs to form an Area Trauma Advisory Board to make a plan that is either just for a County or a multi-county plan so that all emergency services come together and work as a coordinated group instead of doing their individual things. This will be discussed at the Northwest COG. The following statistics were presented to show how much trauma is costing the United States: trauma, hospital costs, loss wages, property damage and loss of productivity - over \$100 billion a year. Trauma patients occupy 1 of every 8 hospital beds; more beds than all heart patients and 4 times more than cancer patients. Trauma is responsible for \$9,000,000 short term disabilities and over 300,000 permanent disabilities. Of these 2,500 injuries result in paraplegia; over 1,000 injuries result in quadriplegia; 10,000 result in mild to moderate brain damage; 5,000 injuries result in severe brain and over 2000 result in persistent vegetative state.

Sharon stated the Board of County Commissioner was to appoint an 11 member board. Of these eleven, no less than 7 must include: a trauma surgeon, a licensed physician, a licensed nurse, a facility administrator, a pre-hospital care provider, a resident of St. Mary's, and a representative of local government. 4 members are up for grabs. The Commissioner determine the criteria for selection. The Trauma Board is to be appointed by July '97 and will handle 4 - 6 Counties.

Chairman Smith did not feel this would take months worth to get handled. Sharon stated if the Counties do not appoint these members and form this Advisory Board, then the State will step in and tell the County how to handle.

Sharon added that St. Anthony's Central and Denver General now called Denver Health Medical Center, are the Level 1 Centers for trauma. University Hospital used to be a Level 1 Trauma Center but because Denver General does more of the trauma and University is more involved with other things, they have dropped down to a Level 2 Center. University Hospital is still the major burn center for the State of Colorado. Valley View Hospital is a Level 3 Center. A Level 4 Center is a local facility without a trauma surgeon on call - Pioneer Clinic in Meeker is an example. Claggett is possibly a Level 4 Center.

Sharon attends the public safety meetings and has kept the Commissioners updated.

All three dispatch centers will be trained in order to use the same medical terminology when dispatching. Marilee Rippy stated she was present to obtain an overview of the workings of the Commissioners. She is a candidate in the primary election process.

COUNTY BUSINESS - BUILDING AND PLANNING REPORT

Mark Bean gave his report. Mitchell Creek PUD is not continued and has been pulled. Los Amigos is scheduled for the August 12th Board meeting in terms of the preliminary plan; it went to the Planning Commission on Wednesday. The Rapids, Hilton's project down by New Castle, will be going to the Planning Commission the first part of August. Sunrise Meadows, a three lot continuation on the Northwest side of Rifle owned by a group called Par Development will be scheduled the latter part of August. Ponderosa is a 2 lot subdivision on Hwy. 13; and, Levitt is on the agenda for today. Petts-Homes lot through full subdivision on Cattle Creek is unscheduled. Most of the exemptions shown on the report are continuations of one sort or another. Jolley for the main ranch property on the other side of County Road 245. Barrett Resources for a SPU on property by Parachute for expanding warehouse property.

Mark handed out the statistics report and stated the total number is still not quite up to 1994 but it is not far behind. 1994 was the record year since 1982. 197 total permits for 1996 versus 204 issued in 1994. In

residential 84 permits in 1996 versus 99 in 1994. The valuations are up mainly due to Aspen Glen, Battlement Mesa, and Missouri Heights. This reflects on permit fees year-to-date in terms of activity. For last month there was \$51,000 in permits with a total of 26 unit permits issued.

Aspen Glen- First Filing - Amendment to SIA - Extension

Mark submitted a request for the Subdivision Improvements Agreement for the first filing on Aspen Glen for an extension to December 31, 1996 and requested the Chair be authorized to sign 120 day extension. He stated they still have the letter of credit in place and an extension of the SIA is necessary to extend with the letter of credit.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign the Amendment to the Subdivision Improvement Agreement for Aspen Glen Golf Company extending to December 31, 1996. Motion carried.

Amended Portion of Block 9 for Rifle Village South Subdivision

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign an amendment to Block 8 of Rifle Village South Subdivision, lots 2 - 8. Motion carried.

Barrows/Peiffer Exemption Resolution and Plat

A motion was made by Commissioner Mackley to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Arthur Barrows and Luann Peiffer. Motion carried.

Savage/Beaver Creek Exemption - Resolution and Plat

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for Joan Savage. Motion carried.

EMPLOYEE OF THE MONTH

Ruby Richardson was awarded the Employee of the Month. Jail Supervisor Don Hall and Sheriff Tom Delassandri were present for the award ceremony.

DEPARTMENT HEADS

Mark Bean, Don DeFord and Department of Health Mary Meisner were present.

Mary presented her report and summarized that the Colorado Department of Health provided additional funds of \$2,309.00 to look at using for salary support. The wage raises Mary proposed fall within the Royce Arbour guidelines. Mary stated she had also completed a salary survey requesting the mid-point wage levels. The information she obtained was: Valley View Hospital mid-point \$18.41 per hour, Clagett Memorial mid-point \$15.72, Veterans Nursing Home \$16.00 (starting), and Community Health in Aspen starting \$15.50. Based upon years of experience and education she proposed the following raises: Ann Reed from \$14.07 to \$14.50; Laurel Little \$14.41 to \$14.85; Sandra Barnett \$14.90 to \$15.35, and Mary Meisner (no figure stated).

Mary stated that Human Services Director Margaret Long supports the proposal. This money was specifically given to their program for the salary increases.

Commissioner Arbaney stated his problem was whether or not the upcoming January 1, 1997 wage increases would be able to be given. Chairman Smith was in favor of these increases. Commissioner Mackley was also reserved in granting these request and stated he was not sure how these increases would be supported by next year's budget.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to grant the Department of Health to increase the suggested wages for the nursing staff's salaries to the proposed increases since the State of Colorado granted these funds for that specific purpose. Carried.

CONSIDERATION RESOLUTION IMPLEMENT OPEN FIRE ORDINANCE

Don DeFord and Public Safety Coordinator Guy Meyer presented that Ordinance 96-2 was in place. Guy reported evidence that the thousand hour fuel moisture content has dropped below 15% within a variety of areas throughout Garfield County. In addition, the Board of County Commissioners has received evidence

from the staff of Garfield County that anticipated climatic conditions within Garfield County for the next several weeks will further reduce the thousand hour fuel moisture and increase other conditions leading to the potential for wildfires. Therefore based upon that evidence, the Board was requested to set bans and restrictions of open fires pursuant to the provisions of Section 1, Ordinance No. 92-2 which will be completed spelled out in the Resolution.

Further discussion generated Commissioner Arbaney suggesting this be postponed until next week stating he wanted an elevation rating. An agenda time was set under County Business at 10:00 A.M. July 15th.

Executive Session - Child Protection Issue

Margaret Long, Don DeFord, Mark Bean, and Guy Meyer were included in the Executive Session to discuss a specific child protection issue under the Board of Social Services.

A motion was made by Commissioner Arbaney and Commissioner Mackley to go into the Board of Social Services and into an Executive Session to discuss a imminent child protection issue of a confidential nature. Motion carried.

A motion to come out of the Board of Social Services and the Executive Session was made by Commissioner Mackley and seconded by Commissioner Arbaney . Carried.

BLM/FOREST SERVICE

The Commissioners, Mildred Alsdorf, Mike Mottice of BLM and Betty Schmidt of the Forest Service met for a working lunch to discuss the various ways in which the three entities could work together. A BLM and Forest Service Partnership was agreed to pursue based upon an approach to improve customer service and improve on-the-ground management of public lands. Basically this partnership could mean colocating offices wherever feasible (Meeker, Rifle, Glenwood Springs/Carbondale, and Eagle); one stop shopping for goods and services from each agency, in all office locations; sharing all available resources for highest priorities, regardless of agency jurisdiction; integrating BLM and Forest Service leadership teams; and one office/one manager, with dual delegations for both agencies' lands in the geographic area. The target for full implementation would be set between 3 and 5 years with specific action steps identified annually to insure continued progress. It was suggested however, that each agency maintain separate identities in regard to uniforms, vehicles, missions, lands, etc., but to try new things, based on common sense, to improve the quality of customer service and on-the-ground decisions.

The discussion yielded the following five areas to consider: identify a County location; sell the Forest Service building and find property suitable for both to be housed; provide a one-stop shopping with maps, brochures, permits; range allotments with one range specified for a person to do common billing and permits; road maintenance in sharing equipment and also to contract with the Forest Service with County involvement; and lands/minerals/right of ways - the Forest Service is a smaller organization in regard to leases on drilling and right of ways; therefore to yield to BLM who is the larger organization with more land/minerals.

A general concensus was reached to try new things based on common sense, with the goal to improve the quality of customer service and on-the-ground decisions. It was suggested to put out a newsrelease to this effect as well as informing the ranching community, Department of Wildlife, the Cattlemen Association, and the various environmental groups.

ROAD AND BRIDGE DISCUSSION

King Lloyd, Don DeFord, and Mark Bean were present. King reported that he was strategizing on projects and setting an award date for chip/seal contracts. The award date was set for Thursday, July 25, 1996 at 8:30 A.M. King came up with this date by calling both bidders who are typically the ones who respond to County ads. King stated, the project is to start by August 14, 1996. King reported he had received a phone call from Western Mobile and they stated they cannot make the rock for Harry's Heavy Hauler. Therefore, there would be only one bidder if this is the only person Harry has talked to. Western Mobile can do 1/2" rock if the County will accept the smaller rock. Bids are to be opened on July 23, 1996. A request to bid an alternate chip size of 1/2" was received, however King informed the caller that the bid proposals did not call for bid alternates, except an oil alternate.

Don stated alternate aggregate would require specifically re-opening the bidding process. Don stated it would be okay to do an addendum.

King reported there were two companies and the 3/8" chip is primarily the one used. 3/8" gives a rougher ride. The 1/2" road does not require as much oil and will give a financial savings. Don advised under the purchase code King could do an addendum to the proposals. The Commissioners explained their concerns. It was decided to leave the bid package alone and not add an addendum. It wasn't so much the start date as the completion date that was a concern.

Rotomill Material

King reported an opportunity to get some more rotomill material, however King is not the direct contact, rather the airport has worked a deal out with some State people due to a use of the airport facility for some highway equipment training. Apparently the airport has worked a deal where if the County will haul a bit of the rotomill for the Airport, then the County can have a proportionate share. This would be a haul from Dotsero to the Airport. King stated his road projects would take priority over this deal. King reported the patching on Garfield Creek will be accomplished by the use of the rotomill material which would require about 4 - 5 tandem loads. King stated the rotomill material is stock piled at the Dotsero exit and was requesting to do this by the end of August if a deal can be arranged with the Airport to alternate loads. King estimated the material to be about \$15,000 in value for the entire pile. Discussion was to contract out the haul. The airport wants to do a road out to their fuel farm with this material. It was estimated the Airport would need 200 yards of material. King estimated 10 to 15,000 yards of material available. King reported that Mel Rey Road is completed. Grand River came in with their lay down machine and completed the project very quickly.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Clark Wilson from the State Health Department came before the Board to introduce himself. Clark is the food service inspector for the County including Glenwood Springs, Carbondale, and parts of the Northeast corner. He does food service licenses and inspects at least twice yearly the various facilities which includes child care centers and schools. Clark is out of Denver and stated that George Bailey will have the other areas west of Glenwood Springs.

PRELIMINARY PLAN FOR THE LEVITT SUBDIVISION LOCATED 1/2 MILE SOUTH OF CR 102 IN MISSOURI HEIGHTS APPLICANT: TOM LEVITT

Eric McCafferty, Don DeFord, Attorney Larry Green, Planner Ron Liston, and Tom Levitt were present. Don determined that adequate and required notification were completed and informed the Commissioners it was appropriate to proceed. The record includes 200 feet of the water tank owned by a trust that Mr. Levitt will inherit. Exhibit A - proof of publication; Exhibit B- return receipts; Exhibit C- application and all attachments; Exhibit D - project information and staff comments with all attachments; Exhibit E - copy of the Garfield County Subdivision Regulations; Exhibit F -copy of the Garfield County Zoning Resolution of 1978; Exhibit G - a letter from the Eagle County Planning Department dated 5/8/96; Exhibit H- a letter from Harmony View Homeowners Association dated 5/7/96; Exhibit I a copy of the intergovernmental agreement between Eagle and Garfield County regarding Harmony Lane; Exhibit J- a copy of the National Fire Protection Associations Protection of Life and Wildfire '91 Edition; Exhibit K - a letter from Whitewater Engineering 10/1/79; Exhibit L - a copy of the Wildfire Protection of Urban Wildland Interface, Colorado Forest Service Publication No. 143-691; and Exhibit M a copy of the road maintenance agreement for Harmony Lane; Exhibit N - a copy of the Division of Wildfire Guidelines. Exhibits A - N - were accepted into the record by Chairman Smith.

Eric McCafferty presented: This is a preliminary plan review for the Levitt Subdivision on a 79.455 acre tract of land located 1/2 mile south of CR 102 in Missouri Heights in the Medium Density Residential (6-9 acres/dwelling unit) and Low Density Residential 10+ acres/dwelling unit) Proposed Land Use Districts, as designated by the Garfield County Comprehensive Plan for Study Area I (1995 Plan).

The applicant proposes to subdivide the 79.455 acre tract into 13 parcels, ranging in size from 4.0 acres to 9.1 acres, with a gross density of 6.1 acres/dwelling unit. Two (2) lots within the proposed subdivision would be allowed accessory dwelling units and three (3) lots would be allowed up to four (4) head of livestock. The individual lots are proposed to be served by a shared, central well system with 120,000

gallons of storage and individual sewage disposal systems are proposed for waste water treatment. An exaggerated cul-de-sac is planned to access the thirteen (13) individual lots and provide open space to the residents.

Recommendations:

The Planning Commission, at its May 9, 1996 meeting, recommended APPROVAL of the application, pursuant to the following conditions:

1. That all representations of the applicant, either within the application or stated at the public hearings before the Planning Commission and the Board of County Commissioners shall be considered conditions of approval, unless stated otherwise by the Planning Commission and the Board of County Commissioners.
2. The Homeowner's Association shall be incorporated in accordance with Colorado Revised Statute requirements.
3. The applicant shall prepare and submit a Subdivision Improvements Agreement addressing all on-site improvements, prior to the submittal of a final plat.
4. The applicants shall submit improvement plans for all roads, bridges, utilities, fire protection, improvements, signage and drainage structures prior to the submittal of the final plat.
5. That all utilities shall be placed underground.
6. That all cut slopes created during construction shall be revegetated with native grasses, shrubs and trees with adequate weed control. All revegetation shall be in accordance with the applicant's revegetation plan and completed with certified, weed-free seed. Revegetation and landscaping shall be included in the Subdivision Improvements Agreement. In addition, adequate security shall remain in place for a period of two (2) years to guarantee the survival of all plantings. Additionally, the individual lot owners shall be responsible for weed control.
7. That the applicant shall demonstrate that procedures are established for the maintenance of all roadways and bridges, including snow removal, through the Homeowner's Association.
8. That the applicant shall pay \$200 per lot in School Impact Fees prior to the approval of the Final Plat.
9. That the following plat notes shall be included on the Final Plat:

"The "'Guidelines For Protecting Homes From Wildfires in the Levitt Subdivision'" be included within the covenants of the Homeowner's Association. Additionally, the minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Protection of Life and Property From Wildfire, 1991 Edition," (NFPA) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade, except that the slope setback shall be a minimum of 50 feet, for all lots.

"Prior to issuance of a building permit, the owner of each lot shall prepare and submit a soils and foundation report and an I.S.D.S. design prepared and certified by a professional engineer. All improvements shall be constructed in accordance with such measures, which shall be a condition of the building permit."

"Access to the Levitt Subdivision shall only be allowed from Harmony Lane and shall not be allowed from Sunset Lane, so long as Sunset Lane remains a private road."

10. The Basalt Water Conservancy District Allotment Contract and the water rights associated with the wells, together with well permits, shall be transferred by the developer to a homeowner's association which shall have the power and the duty to enforce compliance by lot owners with the terms and conditions of the water contract.
11. That the applicants shall prepare and submit protective covenants, articles of incorporation and other Homeowner's Association documents, including by-laws, will be submitted for review by the County Attorney prior to the approval of the Final Plat.
12. That the plat and covenants will provide that there will be no resubdivision of the lots.
13. Based upon the determination, by the Planning Commission, that the internal subdivision roadway is in mountainous terrain, all roadways shall be constructed in accordance with the design standards in effect at the time of submittal of the Final Plat, except that the roadway shoulders will be two (2) feet in width.
14. The Final Plat shall identify building sites that are in conformance with the recommendations of the geotechnical report conducted by Hepworth-Pawlak Geotechnical and be less than 40% slope.
15. That adequate easements for wells, waterlines and other attendant facilities and utilities shall be provided on the Final Plat. All proposed building envelopes shall be shown on the Final Plat.
16. That 10 foot front lot line easements, on each lot, shall be provided for utility purposes.
17. The applicant shall provide road signage in accordance with the Uniform Manual of Traffic Control. These should be included in the Subdivision Improvements Agreement.
18. Prior to the approval of the Final Plat, the applicant shall submit approved plans (by Colorado Department of Health) for the proposed community water system.
19. The restrictive covenants shall include the "Aspen Glen" provisions regarding downcast lighting, fire places and dog restrictions and further mandate specific procedures for monitoring the water supply consistent with the recommendations made by the engineer and contained within the engineer's letters dated April 2, 1996 and April 29, 1996.
20. That the applicant will improve Harmony Lane, from Wind River Road to County Road 102, to Secondary Access standards including a chip/seal surface. This provision shall be contained within the Subdivision Improvements Agreement.
21. The construction of the overflow from the proposed detention pond will be done in a manner to affirmatively mitigate erosion that may be caused by the apparatus or anticipated water flows.
22. Approval of this subdivision Preliminary Plan does not construe approval for any later phases or associated developments on or off the subject property.
23. The applicant shall submit the appropriate impact fees directly to the Carbondale and Rural Fire Protection District and provide the Planning Department a copy of the receipt, prior to Final Plat approval.
24. That Accessory Dwelling Units shall only be allowed on lots 12 and 13 and livestock shall only be allowed on lots 11, 12 and 13. These provisions and limitations shall be stated within the protective covenants.
25. That the Homeowner's Association shall agree to pay its pro-rata share of ongoing maintenance for Harmony Lane.

26. That individual land owners each develop a fire management plan, to be approved by the Carbondale & Rural Fire Protection District, prior to building permit application.
27. That the Homeowner's Association and/or the Architectural Control Committee shall specifically approve the finished color of the roofs of all structures.

Note: Changes made from the following discussion and included within the motion to approve the Levitt Subdivision are included in the Recommendations by staff.

Exhibit O - Harmony View Subdivision Plat; Exhibit P - Harmony View Re-Subdivision Plat and Exhibit Q - Deed by Jasper Jones granted to the Levitt Trust by Peak Development of Pinon Groves in regard to the use of the private easement designated as Wind River Road were presented. Exhibits O, P and Q were admitted into the record by Chairman Smith.

Ron Liston - 918 Cooper, Glenwood Springs explained that Harmony Lane is a 60 foot dedicated roadway, and Harmony Lane Subdivision filing No. 2 was recorded in both Counties showing both county lines - Exhibit O and P. Chairman Smith admitted Exhibit O and P into the record.

Larry Green, Attorney - From Harmony Lane, the applicant's access is by way of a private deed entered as Exhibit Q. These easements are dedicated in favor of the homeowners. At this point, these are not public roads.

Don stated that internal subdivision roads in the Garfield County Subdivision Regulations are required to be public roads.

Larry Green stated it is a public used road. The road is limited to 26 units.

Ron Liston - stated that fireprotection is exempt. The easements are granted access for emergency access and fire protection.

Commissioner Mackley - asked if he could drive into that subdivision.

Larry - stated yes, they were approved for easement by the public. Road access to 102 qualifies this for a public road. The easements spells out the access for ingress/egress. There is a road maintenance agreement with Mr. Levitt and Peak Development.

Commissioner Arbaney - asked can anyone gate and prohibit the public from entering?

Don responded that the residents will have access to a public road. Also, the developer will have the right to improve Harmony Lane.

Larry addressed the Harmony Lane Road Maintenance Agreement. He was told there were three groups of property road users not including Levitt. Those were Harmony View Homeowners Association; Pinon Grove Homeowners Association; and Joseph's Meadows Homeowners Association. He asked, as a condition of approval, to say that the agreement signed by three of the four Homeowners Association is acceptable and if the Harmony View Homeowners want to participate in the road maintenance, they should sign and pay into the road maintenance agreement. He added that Harmony View has 7 lots compared to 20 other lot users.

Tom Levitt - addressed the road maintenance agreement.

Eric stated Sunset Lane and Sunset Road goes further to the South and some of the Harmony Lane property owners use this road.

Chairman Smith asked if Harmony Lane was the only road out of the subdivision.

Eric corrected that Sunset Lane/Sunset Road is a private road without legal access but does exit out of the subdivision.

Ron - addressed the other aspects of the application. The fire department reviewed the road and gave their blessing and stated they were comfortable with the access. He also stated, they are in agreement with the conditions placed by staff with exception to conditions 9 and 25 - new regulations were referenced in the staff report for "Protecting Homes from Wildfires in the Levitt Subdivision."

Keith Barrett 2080 County Road 102 - had a question regarding the storage tank height.

Roger Neil of High County Engineering answered the question of height.

Herb Nelson - property owner to the east of the subdivision wants Sunset Road private and posted so it cannot be used for construction, only residential users.

John G. Powers - New York Attorney representing Jasper Johns stated that Mr. Johns was opposed to the high density in this area and requested the number of houses be restricted. There was concern for parking provisions as well.

Chairman Smith - asked about open space.

Ron - stated they were willing to give one large space as the homeowners may choose.

Commissioner Mackley - what are the sizes of the building envelope.

Ron - a minimum of two acres.

Chairman Smith - 13 lots proposed and two are eligible for accessory dwelling units.

Ron - livestock is restricted to only a few lots.

Larry stated there are three lots allowed for livestock and two of these allow accessory dwellings.

Condition No. 24 addresses these.

Chairman Smith - asked if a barn could also be included on these larger lots.

Mark Bean - answered yes.

Roger Neil - answered a question regarding parking, stated that each lot would have the ability to create on-site parking.

John Powers - continual build-up was a concern. Parking limitations do not work. A serious concern of Mr. Johns.

Commissioner Mackley suggested it is of some benefit to "cluster" the homes versus 10 acre scattered lots.

Keith Barrett - asked if clustering is approved, then which land is barred from developing?

Eric - answered that the only land prohibited is acreage with steep slopes.

Commissioner Mackley - stated Missouri Heights is becoming fully developed. There is an on-going effort to change the subdivision regulations. However, until a majority gets on one side or the other, you have the "property rights" and the "over density" issue.

Powers - Pitkin County has regulations that are very restrictive.

June Barrett - 2080 County Road 102 addressed the great impact on houses looking down on this proposed development. She requested a condition that all roofs be in neutral earth tones adding that houses have to blend in with the landscape. She added that this is a very beautiful piece of property.

Ron - Roofs have to be in Class C and this is in the State Forest Guidelines. It allows wood shingles that are treated with fire retardant.

Chairman Smith - asked if they had any problem with roof covering that blends into the landscape as she felt Mrs. Barrett's general statement was reasonable.

Powers stated they have an architectural committee but it doesn't always work out in reality. *Ron* - since it is not a County regulations, how do you imply or enforce this?

Mark - stated it has to be enforced through the Homeowners Association because the County cannot enforce covenants.

Levitt - stated he's very eager to have very nice quality homes in this subdivision.

Chairman Smith stated a lot of roof studies have been done. And that the issue of lighting should be directed downward. She added Condition No. 19 addresses this. Also, requested that weed control be added under Condition No. 6 as private land owners have an obligation to take care of their weeds in accordance with the State Weed Control.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to close the Public Hearing. Motion carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the preliminary plan for the Levitt Subdivision for Thomas Levitt for a 79.455 acre tract as described within the project information and staff packet with all major issues and concerns, suggested findings, and the 27 modifications adding Nos. 6 15, 19, and 25; and Nos. 26 and 27 as new conditions. Motion carried.

Space Discussion

Commissioner Arbaney cautioned the remodeling however slight unless they were sure they had the appropriate permits.

Chairman Smith and Commissioner Arbaney stated work should be stopped until it is known what is going on.

As for the new carpeting, Commissioner Arbaney stated carpeting was in the budget and should not be a problem.

Chairman Smith instructed Mark to inform Rich to stop, stating this should be discussed with Chuck.

DISCUSSION - CR 346 - TIM MOORE AND COUNTY ATTORNEY

Don DeFord, Mark Bean, King Lloyd and Carolyn Strautman with Levenworth and Associates, Tim Moore, and Mayor of Rifle Dave Ling were present and discussed various options in regard to County Road 346 where a section was recently annexed by the City of Rifle. Carolyn Strautman suggested a

dialogue with the County Commissioners to determine the position of the County. Several suggestions were submitted for discussion: The City of Rifle and Garfield County to work together on a joint energy impact grant; form an intergovernmental agreement regarding property taxes; Rifle plans to annex the entire County Road; and or a maintenance agreement with a renewal date on the road agreement. Dave stated the Department of Commerce was one option. Dave stated they may put in another grant during the next cycle. A Co-Op with the County was suggested to take under consideration. Dave stated the CAPP meeting will be held in Steamboat on Thursday. Commissioner Mackley stated he would attempt to arrange his schedule in order to go with the group from the County. Dave stated there will be a discussion on Enterprise Zones and encouraged the Board's participation.

Alcohol Review Board - John Martin

Dale Hancock, Mark Bean, Tom Delassandri and Liquor Enforcement Officer for the City of Glenwood Springs John Martin were present.

John presented the Glenwood Springs Police Department Operation Keg-Shadow targeted at persons under the age of 21. Operation Keg-Shadow is designed to impact underage drinking by discouraging adults to provide kegs for those under the age of (21) twenty-one. The objectives are to track kegs of beer that are purchased by a person over 21, for the purpose of making it more difficult for the keg to be provided to people under the age of 21; to provide a means to identify the person who purchased any keg that is discovered at a party where there is underage drinking; and to prevent traffic accidents involving our teenage population sometimes resulting in serious injury or death. The method to accomplish these goals is to supply retail stores with numbered self-locking plastic seals and accompanying forms in which the stores will use the forms to record the purchaser's name, address, phone, date of birth, drivers license number, type of keg and seal number. The enforcement will consist of intense follow up when the retailer notifies the Glenwood Springs Police Department keg has either not been returned or the seal has been removed or tampered with. Because the seal is City property, municipal ordinances apply if the seal is removed or damaged in any way. In addition, if a keg is discovered at a party where there is underage drinking, the Department will begin an investigation to identify and prosecute the person who purchased the keg.

This is a program John Martin started and presented to the Alcohol Review Board. John stated he needs to go to every municipality that sells liquor. He added that the program can be adjusted to any kind of law enforcement. The distributors have approved the procedure. The tags are made out of a substance called "ti beck" which can only be cut or burned. John asked to have the Board of County Commissioners to review and support it. In additional, John explained that each retailer has a number and a master log is kept at each establishment. He stated that this does not stop teenage drinking but puts responsibility on the purchaser of the keg. The fees are \$25 as a deposit for the keg and there is a \$50 fee for destroying the tag.

Sheriff Tom Delassandri stated his department had reviewed the operation and was in favor and fully supportive.

John was requesting the Board approve an expenditure of purchasing 1000 of these tags. A motion was made by Commissioner Arbaney and second by Commissioner Mackley to approve the purchase of the tags for Garfield County for the Keg-Shadow Program. Motion carried.

Executive Session - Social Services - Child Protection Issue

Commissioner Arbaney made a motion to go into the Board of Social Services and an Executive Session to discuss a related issue to Social Services. The motion was seconded by Commissioner Mackley. Motion carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of the Board of Social Services and out of the Executive Session. Motion carried.

Adjournment - The Board adjourned until 1:00 P.M. on Tuesday, July 9, 1996.

Attest:

Chairman of the Board

JULY 9, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The continued meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, July 9, 1996 with Chairman Marian Smith and Commissioner Elmer (Buckey) Arbaney present. Also present was: Building and Planning Mark Bean for County Administrator Chuck Deschenes County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 1 P.M. Chairman Smith announced that Commissioner Arnold Mackley had been in an accident earlier this morning and was presently at Valley View Hospital in the Intensive Care Unit.

Remodeling Update

Maintenance Department Head Rich Alary was informed by Mark Bean that building permits were needed before the remodeling could occur within the new County Attorney's Offices.

Executive Session - Consent Decree - Building/Legal Questions

A motion was made by Commissioner Arbaney to go into an Executive Session to discuss the Consent Decree and legal questions regarding the Courthouse building. Chairman Smith stepped down as Chair to second the motion. Motion carried.

A motion was made by Commissioner Arbaney to come out of Executive Session. Chairman Smith stepped down as Chair to second the motion. Motion carried.

Attest:

Chairman of the Board

JULY 15, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 15, 1996 with Chairman Marian Smith and Commissioner Elmer (Buckey) Arbaney present. Also present was: Building and Planning Mark Bean for County Administrator Chuck Deschenes County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes was on vacation and Mark Bean gave the report.

Bills

The bills for second run for June 1996 were presented for review and approval.

A motion was made by Commissioner Arbaney and Chairman Smith stepped down as Chair to second the motion to approve the bills for the second part of June, 1996 with the exception of a bill from Climate Control for the Sheriff and Macon Computer Repair for Road and Bridge. Discussion: These two bills will be discussed with the Department Heads to gain clarification. Motion carried.

ENERGY IMPACT GRANT PRIORITIZATION

Dale Hancock and Mark Bean were present. Chairman Smith presented the grants for prioritization: Garfield County Emergency Communications Modernization, Town of Silt, Flood/Drainage Study and City of Rifle Land Use Master Plan.

The Commissioners voted, combined with other votes received from the various towns, and prioritized the grants as follows: (1) Communications - 6 votes and tied for second with 9 votes was Rifle and Silt.

Chairman Smith instructed Mark to fax this information to Tim Sarno.

CONSIDERATION CHANNEL 20 OFFER ON TV LICENSES AND EQUIPMENT

Dale Hancock, Mark Bean, Channel 20 Mike Dent and Consultant and former owner Dick Miller were present.

Dale explained the offer: \$10,000 for the TV translator licenses and \$2,500 for the related equipment. Channel 20 TV Company will acquire one TV translator license from Garfield County in the following five locations: Sunlight Peak, Lookout Mountain, Anvil Points, Coal Ridge and Dogs Head. The County is responsible to file with the FCC for the transfer of these licenses to Channel 20 TV Company.

Channel 20 will be either using either Channel 36 or Channel 52 depending upon approval by the FCC. This leaves the County with two licenses which will cover the entire County. With the new digital compression it will make these wireless cable licenses very valuable in the future. Channel 20 plans to take one license and broadcast in Breckenridge to the five locations. They can multiply this to 24 Channels. Dale explained this will not jeopardize the County's position to cover the entire county in the future should funds become available once again. \$20,000 for the 5 license and \$20,000 for equipment. Site leases will also lease Sunlight Peak, Anvil Peaks Coal Ridge (these three are privately owned). Dale reported the County does have between 2 and 5 licenses on each of 12 sites and even after the sale, Dale assured the County they will have coverage available should funds become available to reactivate television coverage. TCI in Glenwood Springs will also be receiving coverage independently.

A motion was made by Commissioner Arbaney to authorize the Chair to sign an agreement in the form presented which states that within 10 days Channel 20 will pay the county for the equipment. In addition, Dale was approved to issue the licensing procedure and upon payment Channel 20 can start to refurbish the equipment. The term of the agreement should be a term of one year with an annual renewal of 10 years. Also, the amount of insurance needs to be raised from 400 to 600 insurance to meet governmental

immunity. Dale presented the major cost on the sites are air conditioning and heating. Chairman Smith stepped down as Chair to second the motion. Carried.

JAIL DISCUSSION

Sheriff Tom Delassandri, Dale Hancock, and Don DeFord were present for the report.

Jail Count

Total 89. 43 main jail; 36 Work Release; 7 females; none in other jails; 2 Home Detention; no Day Reporting; 1 State Hospital; and 1 DOC. Gilpin County has signed a contract to provide housing for Garfield County's overflow of inmates at cost. In addition Garfield County will transport them to Gilpin County and then Gilpin County will transport them to DOC.

Chairman Smith presented two bills in question with number errors from Climate Control and requested Tom to clarify prior to approval.

In regard to the upcoming consideration of implementing the open fire ordinance, Tom reported that there was a fire off of County Road 114 last week. The BLM helicopter was called in and the fire was extinguished very quickly.

Executive Session - Consent Decree

Don requested an Executive Session to discuss the Consent Decree.

A motion was made by Commissioner Arbaney to go into an Executive Session to discuss the Consent Decree. The motion was seconded by Chairman Smith who stepped down from the Chair. Motion carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Cheryl Chandler P.O.Box 868, Silt stated she has not heard from Silt with respect to her phone calls in an attempt to solve the continued dilemma they are facing regarding approval from the Town of Silt for right to access off of their property onto Grand Avenue, County Road 218. In previous Board of County Commissioner's meetings, Don DeFord had cautioned the Chandlers to be aware of the 120 days they had in order to rectify the conflict and stated one solution to cure the impasse was for the County to remove the restriction previously placed on the Chandlers during the preliminary plan. Cheryl presented a 30 foot deeded access for review which is recorded in the Garfield County Records in Book 452 Page 143. This 30 foot deeded access was not previously submitted.

Don stated this issue may need a public meeting and may need to be handled at a public hearing since the restriction was previously placed on the plat approval at a similar meeting. Don clarified that now that the deeded agreement has been submitted, it still needs to be handled under a public notice to provide the Town of Silt and other adjacent property owners an opportunity to offer comments prior to amending the condition. Don instructed Cheryl to submit the deed as an exhibit and Mark added that the Chandlers would need to have another 120 day extension in order to present the final plat.

A motion was made by Commissioner Arbaney to grant the Chandlers an additional 120 days to complete their plat. Chairman Smith stepped down as Chair to second the motion. Carried.

A date for the Continued Public Hearing was set for August 5 at noon.

Spring Creek Land CO/Cedar Hills Ranch

Mark Bean, Norm Clasen, and Bank of Colorado Vice President Jeff Johnson of 1201 Mountain Drive were present.

Norm Claussen presented a request for a draw based on improvements made to the Cedar Hills Ranch Subdivision by Spring Creek Land Company for a total of \$289,729 less the \$57,000 being held by the Commissioners to be held in the Bank until the project has final approval. Norm explained the arrangement made with the Commissioners at the June 10, 1996 Board of County Commissioners meeting and stated this was a draw based upon improvements made, consisting of: the road has been cut and the water lines are positioned. Norm explained that Public Service will not do anything until the final plat has been approved and they also require funds within a 24 hour notice of connecting service.

Discussion: Norm stated he had advanced his own funds to have the road built and the fire access readily available. He stated the new road is not visible from County Road 214.

On June 10, 1996, the Commissioners had authorized the Chair to sign the final plat, however, Norm Clausen had failed to submit the plat for recording. The Commissioners noted for the record that this was the first and will be the last time the Commissioners approve of this procedure to withhold funds versus having a letter of credit at the bank.

A motion was made by Commissioner Arbaney to authorize the Chair to sign a partial release of \$232,729 which is \$289,729 less the \$57,000 or 10% being held until after the Subdivision Improvements Agreements has been recorded. The motion was seconded by Chairman Smith, who stepped down as Chair. Motion carried.

COUNTY BUSINESS

BLM - Weed Management Contract

Don DeFord presented the agreement for BLM for a 5-year term, however, he added that the County cannot commit except for one year. Discussion. Commissioner Arbaney suggested two alterations needed to be included. One stating the Commissioner could not commit to a 5 year contract rather only one year at a time; and two that provisions should be made for the cost escalation of the chemicals.

A motion was made by Commissioner Arbaney to authorize the Chair to sign the agreement for BLM for weed management with the alterations as previously mentioned. Chairman Smith stepped down from the Chair to second the motion. Carried.

BLM - Landfill Lease

The BLM lease was presented. Don stated the County cannot indemnify as requested by BLM, however it is necessary to sign the lease in order to have a County Landfill. Therefore, Don stated the Commissioners should go ahead and sign the BLM lease for the County landfill.

With recognition of Don's objections, Commissioner Arbaney made a motion to authorize the Chair to sign the BLM lease for the County landfill. Chairman Smith stepped down from the Chair to second the motion. Carried.

CONTINUED CONSIDERATION RESOLUTION IMPLEMENT OPEN FIRE ORDINANCE

Guy Meyer reported the moisture content was ten (10) or below. Guy Meyer presented documents showing the 1000 hour moisture content for the various elevation. He stated these are not going to change daily, however the latest report shows the content had dropped to seven (7) in some areas and an increase in others. The State criteria is based on three factors: the thousand (1,000) hour moisture content; the geographical area; and the type of fire. The draft Resolution would determine that the moisture content has dropped below fifteen (15) and would apply at all locations and to all the bans and exemptions. (See Resolution No. 96-44).

A motion was made by Commissioner Arbaney to adopt a Resolution as drafted bringing it back on the 12th of August at 10:30 A.M. for further consideration. Chairman Smith stepped down from the Chair to second the motion. Discussion - this will be reviewed again on the 12th of August at 10:30 A.M. to determine if the ban should be updated, removed, or left in place. Motion carried.

Report on Commissioner Mackley

Mildred Alsdorf reported that Commissioner Mackley was out of ICU and doing better. He had been moved into a room at the hospital late Sunday evening.

DEPARTMENT HEADS

Communications

Jim Stevens announced there was a meeting to be held on Thursday, July 18th at 3:00 P.M. Chairman Smith committed to attending the meeting.

Extension Office

Carol announced that entries were due today, July 15th for the Fair.

In regard to moving her office, Carol requested to determine some kind of time frame or an understanding in principal due to the demanding task of the Fair, moving and her office being up and in operation by the first of September.

PUBLIC HEARING - PRELIMINARY PLAN SIERRA BLUFF #2, LOCATED SOUTH OF SILT OFF OF CR 331 APPLICANT: WAYNE COOLEY

Mark Bean, Don DeFord, Wayne Cooley and were present. Don determined the required notification and publication was adequate and informed the Commissioners they could proceed.

Exhibits A - proof of publication; Exhibit B - all returned receipts; Exhibit C - application and all attachments; Exhibit D - project information; Exhibit E - letter from Southside Soil dated 8/29/94; Exhibit F - Colorado Geological Survey dated March 1995; and Exhibit G - Water Court Decree for Barton Porter; Exhibit H - letter from Dene and Mary Jane Hangs; and Exhibit I - letter from the Town of Silt dated 5/26/95. Chairman Smith admitted Exhibits A - I into the record.

Mark presented: This is a request for a Subdivision Preliminary Plan on Sierra Bluffs Filing #2 for a 38.54 acre tract of land on County Road 331 with private access easements platted with the Sierra Vista Ranch. The property is located south of Silt, in the lower reaches of Dry Hollow Creek, south of Weible Peak. The proposed subdivision is a "resubdivision" of Lot 11 of the Sierra Vista Subdivision, approved in 1980, and amended in 1983. The 1983 amendments did not affect this portion of Sierra Vista Ranch Subdivision. This proposal is to split the 38.58 site into four (4) single-family lots ranging in size from 9.094 to 9.786 acres in size.

Recommendations

The Planning Commission recommended APPROVAL of the proposed subdivision, subject to the following conditions of approval.

All representations of the applicant, either within the application or stated at the public hearing with the Planning Commission, be considered conditions of approval.

The applicants shall either establish a Homeowners Association and shall be incorporated in accordance with the requirements of Colorado Revised Statutes that is a part of the Sierra Pinons Subdivision homeowners association or create a homeowners association that has a legally binding relationship with the Sierra Pinons subdivision for the provision of water to the lots in the Sierra Bluffs #2 subdivision, prior to Final Plat approval. Additionally the Homeowner's Association shall be responsible for water contract, well maintenance road maintenance and snow removal. The articles of incorporation and restrictive covenants shall be reviewed by County Staff prior to the approval of a Final Plat.

The applicants shall prepare and submit a Subdivision Improvements Agreement, addressing all improvements, prior to recording a final plat.

The applicants shall submit improvement plans for all road, drainage and utility improvements prior to the approval of a final plat, including a different road name for the road known as "Road B".

All cut slopes created during construction shall be revegetated with native grasses using certified weed-free seed.

The applicants shall pay \$200 per lot in school impact fees prior to approval of the final plat.

The roadways shall be designed and constructed in conformance with design standards set forth in the Subdivision Regulations and in place at the time of final plat and that the existing 60 ft. access easement remain in place.

Only one (1) dog will be allowed for each dwelling unit to protect adjacent agricultural uses. Kennels shall be required, and language ensuring compliance shall be enforced through the covenants.

The plat include the following plat notes:

open hearth solid fuel burning devices will be allowed within the Sierra Pinon

B. All dwelling units will be allowed an unrestricted number of natural-gas burning fireplaces or appliances;

dwelling units will be allowed not more than one (1) new wood burning stove

A. No
Subdivision;

C. All
as defined

by C.R.S. 25-7-401, et. seq. and the regulations promulgated thereunder.

D. A site specific geotechnical report, prepared by a registered engineer licensed by the State of Colorado, is required for all structures, including sewage disposal systems, prior to the issuance of a building permit or an individual sewage disposal permit.

E. All property in this subdivision are subject to oil and gas leases that may result in oil and/or gas drilling activity on the property at a future date. F. All construction should be consistent with the Colorado State Forest Service guidelines for construction to minimize damage from wildfire.

That a deed restriction be developed that prohibits further subdivision of the lots in this subdivision.

That prior to approval of the subdivision, a letter from the Department of Health approving the public water supply be provided to the Board.

That the water lines do not have to be looped as required by the regulations provided the applicant's engineer will verify the adequacy of the system to meet the domestic and fire water supply needs for the system.

That all exterior lighting be the minimum necessary and that it be pointed inward and down toward the interior of the subdivision, except for emergency purposes.

That the proposed plat be amended to meet the final plat requirements of the County.

Added plat note - Number G. "no accessory dwellings will be allowed on any lot."

A motion was made by Commissioner Arbaney to close the public hearing.

A motion was made by Commissioner Arbaney to approve Sierra Bluffs Filing #2 Subdivision Preliminary Plan for Wayne and Wanda Cooley as described in the project information and staff comments with all major issues and concerns, suggested findings, and recommendations including the added plat note under Condition No. 10, stated as "G" stating "no accessory dwellings will be allowed on any lot." Chairman Smith stepped down as Chair to second the motion. Carried.

BOARD OF SOCIAL SERVICES

A motion was made by Commissioner Arbaney and seconded by Chairman Smith who stepped down as Chair to go into the Board of Social Services. Carried.

A motion was made by Commissioner Arbaney to go out of the Board of Social Services. Chairman Smith stepped down as Chair to second the motion. Carried.

UMTRA WATER REGULATIONS - RIFLE

Don DeFord, Chuck Deschenes, Lee Leavenworth, Carolyn Strautman, and Tim Moore were present. Lee presented: Regarding the UMTRA program, there is a lot of contamination in approximately nine (9) wells. The DOE proposal of this contamination is to allow natural flushing of the wells. This is very expensive, therefore the proposed mediation is to extend the city's water line 1200 feet and allow these people to hook onto the City of Rifle's water line. There is no pre-annexation agreement needed. They can still use the wells for irrigation purposes but not for stock.

For future users, they want an institutional control to provide prior to subdivision approval that they have a noncontaminated well. Based on the evidence Lee proposed that the County enact a regulation, as far as any development or at permit time, evidence of a non-contaminated well for drinking purposes. Also, Lee suggested an intergovernmental agreement between Rifle and the Board of County Commissioners in which the City would then allow connections out there subject to the intergovernmental agreement. And so there is an alternative and an option to these people, development can occur and individuals can obtain building permits.

Lee stated the Department of Energy is prepared to go forward this summer.

Don summarized, if the County has a detailed defined area of contamination, then the County could adopt a regulation that required approval of a non-contaminated source of water, will this be sufficient for Department of Energy?

Lee stated he thought the Department of Energy wanted a site specific regulation that specifically addresses this problem.

Don stated if the County did a presentation and adopted a regulation specific to a geographic area where it showed contamination and required proof of a non-contaminated source relative to certain contingencies would this be adequate. Don added this would leave an option open for something other than city water if the land owner could show that.

Lee agreed.

APPOINT BOARD OF DIRECTORS - WEST GLENWOOD SANITATION DISTRICT

Don DeFord and Lee Leavenworth were present and an issue involving regulation 32-1-905(2)(A) - timing of elections was discussed. Lee presented that it would be best for the County Commissioners to reappoint all the Board members, as well as fill a vacancy on the Board. Therefore, the following were appointed to the Board of Directors for West Glenwood Sanitation District for a term ending May 1998 upon a motion made by Commissioner Arbaney for the Chair to sign official documents for C.A. Betz; John F. Gorman; Jerome C. Law; Lee R. Enewold; and Gerald K. Hollenbaugh, Jr. Chairman Smith stepped down from the Chair to second the motion. Carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd, Mark Bean, were present.

After discussing a bill for computers with King that had been submitted which needed clarification, a motion was made to approve the two bills not previously approved by Commissioner Arbaney. Chairman Smith stepped down as Chair to second the motion. Motion carried.

Landfill Lease

The lease renewal for the West Garfield County landfill was presented. The lease terms and conditions are identical to those of the previous lease with a special stipulation #31 of the previous lease being deleted as the archeological and pathological surveys have been completed. The lease amount is \$559.50.

Chairman Smith requested King follow-up with Mike Mottice from BLM regarding the Langstaff clean-up issue and encroachment of the fence.

Parking Lot

Chairman Smith informed King that Tim Moore had been before the Commissioners and discussed the UMTRA site. The survey had been found and discussion included a joint parking lot along the ditch line. What they need to know is how much further west the County thinks the parking lot should be so it can be designated on the layout to the State. A long term lease may be able to be worked out. Chairman Smith stated they needed the buildings included on the drawing. Tim needs this material. King stated the State only requires two legal descriptions. Commissioner Arbaney suggested having Tim show King where the State requires this information. The Board gave approval to fax this to Tim without their stamp of approval.

Projects

King submitted reports for the month of June and reported on the current status of the various projects which included: County Road 117; County Road 250; and County road 250. On County Road 250, King stated that Marvin reported it will not take much to plow it up. This is one and one-half miles. King stated he was going to mag that road also. Commissioner Arbaney stated he would rather have it like it is for the present. Decision was to leave the "gravel" cost in the budget for this year, then next year plan to chip and seal using the gravel in the budget. A letter to the residents affected will be sent explaining the situation and advising them the budget decisions for 1997 would be under the same County Commissioners.

Tax Committee

King has been working with the tax committee and has submitting some facts and statistics. King has also been submitting visuals.

Weight Report

King reported that at the end of June his department was holding steady in terms of permits. New truckers are coming into the community and King is having some problems with the new companies getting off on wrong roads. Chipperfield and Divide Creek are where the main complaints are coming from.

Chip Question

King stated he had made contact with the bidders for chip/seal contracts as per the discussion held with the Commissioners on July 8th. Mountain Mobile was not concerned.

COUNTY BUSINESS

Mark Bean presented materials related to the Department of Corrections' Public Meeting set on the Agenda at 3:45 P.M. today.

Resolution - Levitt Subdivision

A Resolution concerned with the approval of a preliminary plan for Levitt Subdivision was presented and Commissioner Arbaney made a motion for the Chair to sign. Chairman Smith stepped down from the Chair to second the motion. Motion carried.

Los Amigos Partnership - Vesting for Property Rights

Mark presented that Los Amigos Partnership has requested for vesting their property rights and have published notice of the attempt to have this development agreement signed. Mark stated that Don DeFord, County Attorney has not reviewed. Therefore, the document will be held until Don reviews.

Aspen Glen Golf Company - Release of Funds

Aspen Glen Golf Company have made claims that they are keeping the dust down. A release of \$218,287 for partial satisfaction for subdivision improvement agreement was submitted for signature of the Chair. Mark stated they have submitted the appropriate signed statements for various things related to waste water plant construction, installation of irrigation work, warehouse structures, and bridge work.

A motion was made by Commissioner Arbaney, based upon the engineer's statements and his liability, to authorize the Chair to sign the release of \$218,287 for Aspen Glen. Chairman Smith stepped down as Chair to second the motion; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Tom Delassandri formally introduced Bill Bolden as the man behind the corrections medical contract. Dental is covered but optometry and mental health is not covered. All UA testing is performed by outside services. Tom stated these were currently provided by Colorado West.

Bill stated that quarterly meeting will be held and some will be in this area. Chairman Smith stated she would like to attend if possible. Bill stated the Board of County Commissioners will receive monthly reports as well and reports on costs will be presented quarterly. Bill stated medical supplies are purchased from a large supplier and their insurance indemnifies the County, Commissioners, Sheriff, elected officials, etc.

Commissioner Arbaney made a motion to go into the Board of Health. Chairman Smith stepped down as Chair to second the motion; carried.

BOARD OF HEALTH

Margaret Long and Mary Meisner were present. Mary reported and presented the Change Order Letter for the State Fiscal Year 1996-97 granting an increase by Three Thousand Four Hundred Dollars (\$3,400) to a new total of Thirteen Thousand Two Hundred Sixty Dollars (\$13,160). Mary stated the extra funds were requested for new printers and supplies to continue with audio testing and immunizations. She submitted contracts that needed to be signed by the Chair and requested the Board authorization.

A motion was made by Commissioner Arbaney authorizing the chair to sign a contract with the State of Colorado Department of Public Health and Environment for an increase in the contract by \$3,400 for a total of \$13,260. Chairman Smith stepped down as the Chair to second the motion; carried.

Mary presented another contract EPDST (Early Periodic Diagnostic Screening and Testing) contract renewal letter signed every year with the State Health Department. Mary stated the contract had the same language, that Don DeFord has reviewed, and it increases the amount in contract dollars. The amount requested was granted which was \$19,579, a \$2,093 increase over the contract from last year. She added the State is working to send "renewal letters" when doable versus "contracts."

A motion was made by Commissioner Arbaney for the Chair to be authorized to sign a renewal letter from the Colorado Department of Health for \$19,579. Chairman Smith stepped down as Chair to second the motion; carried.

Mary presented the nursing contract for wage support for the nurses for Garfield County and Healthy Beginnings. The percentage amount the State Health Department has increased amounts are from 15.9 % to 17.15%. Currently they are going to cover Mickey Remmel's position, so they will be covering 6.80 % of nurses. The language is consistent with the past contract and no major changes. The formula has increased, however.

Commissioner Arbaney made a motion that the Chair be authorized to sign a contract with the State Department of Health for a nursing contract for 6.80 nurses. Chairman Smith stepped down as Chair to second that motion; carried.

Personnel Action Sheets

Mary submitted Personnel Action Sheets for signature. She stated these had been previously approved.

WIC Updates

Immunizations - the audio tracking system is up and running in both the Rifle and Glenwood Office. They have an 85% compliance rate in Rifle and 93% in Glenwood; the State average is 75%.

There is a meeting planned on Wednesday the 17th at 7 A.M. at the Courthouse with the Rotary officers of Glenwood Springs, Carbondale and Rifle. This is an in-service around Hepatitis B and ways that Rotary can help them in carrying out the mandates that all children who enter into kindergarten and 6th grade receive the Hepatitis B vaccinations. This is compiled of a series of 3 shots and will prevent liver cancer. An estimated 1,000 children, 3,000 shots, will be needed this year. Rotary was asked to help support a part-time person to help with this campaign. In addition too this, the nurses have the MMR and Flu campaign.

The WIC case load is at 800, and there is a waiting list. Basalt area was having trouble filling their case load so some were moved from Carbondale to Basalt.

The WIC contract increased from \$85,000 closer to \$90,000 due to increases. This is an October to October contract; and Mary deals with a December to December budget. She stated they are needing another public health nurse and will try someone part-time. Space is an issue; where to put another nurse. Margaret stated that the WIC Program is paying it's way. The physical infra-structure is an issue. If sales tax is addressed and received, the issue of space needs to be addressed. Margaret requested to use the old Veterans office space. The State will legitimately pay for everything but the space.

Barbara Ramirez reporting for Mickey Remmel stated they hired a new nurse and she will be starting tomorrow. Her name is Mary Walsh. The nursing staff is undergoing HIV counseling. Also, they are currently doing mandatory charts for pregnancy and drug abuse to address the lifestyles of the Healthy Beginnings.

A motion was made by Commissioner Arbaney to come out of the Board of Health and back into the Board of County Commissioners. Chairman Smith stepped down as Chair to second the motion; carried.

COUNTY BUSINESS

Los Amigos - PUD - Property Rights Invested

Don DeFord reviewed the document and a motion was made by Commissioner Arbaney to authorize the Chair to sign the Los Amigos Vested Property Rights Agreement for the Development Land Partnership Agreement. Chairman Smith stepped down as Chair to second the motion; carried.

Rural Resort Intergovernmental Agreement

This was presented to Don to review.

CONTINUED PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 1 MILE WEST OF NEW CASTLE. APPLICANTS: RICHARD AND MARY JOLLEY

Mark Bean, Don DeFord, Richard Jolley and Dick Jolley were present.

The only issue outstanding was the adequate and legal source of water. Documents were received that show the use of an existing well and an easement will be used. This is a domestic well. Mark stated that prior to permitting and before recording the plat, the need to show proof of domestic well and a well sharing agreement was required as a condition. Mark stated the applicant can request an extension of up to 360 days if necessary to complete this requirement.

A motion was made by Commissioner Arbaney to approve an exemption from the definition of a subdivision for Richard Jolley on a 100 acre tract of land as described in the project information and staff comments with all major issues and concerns, suggested findings, and recommendations with the change in condition No. 6 to indicate a well sharing agreement must be submitted prior to recording the plat. Chairman Smith stepped down as Chair to second the motion; carried.

The approval of water and the sewer systems by the State was discussed and Larry Green said he would contact the Mr. Watson at the State level and get the approval. Mark stressed this must be accomplished before CO's are permitted. What is needed is a verification that the water system can serve the number of proposed residents.

Don stated we need a statement to approve the system.

Mark suggested he would call Mr. Watson and obtain a statement pertaining to the water.

Executive Session

Don requested an Executive Session and requested that Mark Bean remain present.

A motion was made by Commissioner Arbaney and Chairman Smith stepped down as Chairman to second the motion; carried.

A motion to come out of Executive Session was made by Commissioner Arbaney. Chairman Smith stepped down from the Chair to second the motion; carried.

Resolution - Spear

A motion was made by Commissioner Arbaney to approve a Resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Eugene and Glaphy Spear. Chairman Smith stepped down as Chair to second the motion; carried.

PUBLIC MEETING - SB 35 SUBDIVISION EXEMPT LOCATED APPROXIMATELY 1 MILE WEST OF SILT APPLICANTS: RAY AND SAMMY GILBERT

Eric McCafferty, Don DeFord and Ray Gilbert were present. Don verified that proper notification and publication was adequate and informed the Commissioners they could proceed.

This is an exemption from the definition of a subdivision for Larry and Glenda Antonelli on a 37 acre tract of land located north of State Highway 6 and 24, approximately one (1) mile west of Silt.

Recommendations:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00, per lot, (\$600.00 total) in School Impact Fees for the creation of all exemption parcels.
5. That the following plat notes be included:

"Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."

"The individual lot owners shall be responsible for the control of noxious weeds."

6. That, prior to the authorization of an exemption plat, the applicants receive an approved driveway permit for the proposed access, from the State Highway Department.
7. That all well permits be issued by the State Engineer's Office and both wells be completed, prior to the authorization of an exemption plat and a water sharing declaration shall be recorded.

A motion was made by Commissioner Arbaney to approve an exemption from the definition of subdivision for Larry and Glenda Antonelli for a 37 acre tract of land located north of State Highway 6 and 24 as described in the project information and staff comments with all major issues and concerns, suggested findings, and recommendations including the change to item no. 7 that states "all well permits be issued by the State Engineer's Office and both wells be completed, prior to the authorization of an exemption plat and a water sharing declaration shall be recorded." Chairman Smith stepped down from the Chair to second the motion; carried.

PUBLIC MEETING - BOCC CONSIDERATION OF DOC SUBMITTAL

Mark Bean, Don DeFord were present. This is a review of the Rifle Correctional Center Facility Program Plan for the Department of Corrections, Facilities Management Services Office. This is an expansion of the present 150 beds to 192 beds within two (2) additional special management cells. The expansion includes:

Two 96 bed housing units, replacing all of the existing housing structures.

Renovate the existing dormitories to meet the administrative needs of the facility and remove the existing administrative structures.

Enlarge and remodel the existing food service facility.

Build a new gymnasium.

Upgrade and improve the water and sewer systems.

Mark presented: During the 1996 legislative session, HB 96-1128 was passed and in it a process created to have the Department of Corrections submit facility program plans to the "County of Municipality in which the facility is proposed to be located or expanded and afford the governing body an opportunity for advisory review of such plans." As required by the statute, the Department of Corrections has submitted the application to the Board for their review. The "advisory review" has no legal basis for the County to do anything but provide comments about the proposed facility plan. The legislation states that the "General Assembly hereby finds and declares that the construction, expansion, renovation, or improvement of State-built and operated Department of Corrections facilities is a matter of Statewide and not local concern."

The Rifle Correctional facility is located in an area having no management district designation in the Garfield County Comprehensive Plan of 1984. The facility appears to be located in an area that had no determination of the geological or environmental hazards present on the lands, thus it was not given any kind of designation. The comprehensive plan management designations were based on development limitations and classified low to severe. The area upstream of the facility site is classified as having moderate constraints. There is no guidance in the comprehensive plan dealing with corrections facilities, other than that gained from policies and objectives dealing with some of the potential impacts of a project of this size.

Mark suggested to let the Board establish the procedures and suggested the staff present first and then let the public address their concerns. Chairman Smith stated they have allowed approximately 45 minutes for this issue.

The following County residents addressed the Board with concerns regarding the expansion:

Warren D. Sloan - Regional Director for Department of Corrections - Indicated they wanted to listen to comments. He stated he understands that there has been problems especially with the Legislature which has appropriated 7 million dollars for improvements and expansion of beds.

Chairman Smith asked if they had prioritized specifics.

Eric Hale of the Department of Corrections - addressed the priorities.

Chairman Smith requested information related to waste water upgrades.

Eric Hale - Stated it was a second priority because the housing facilities have begun construction.

Chairman Smith - water rights are an agricultural water rights.

Eric Hale - acknowledged the DOC was pursuing other water rights.

Chairman Smith - stated the Rifle facility was classed as a minimum facility. She inquired as to the ranking and classification of prisoners being held there, specifically the crimes they have been charged with.

Eric Hale - The classification is not based solely on the crime; the classification is objectively qualified as a risk management tool. Usually and in most cases, transfer to the Rifle facility is near the end of their sentence and before the parole period begins.

Bill Block - superintendent of the Rifle facility stated that the average person stays approximately 6 - 8 months prior to being released back into society.

Commissioner Arbaney - asked specifically if additionally acreage to address the waste water system was being considered.

Warren Sloan - stated that DOC must be in compliance with the State requirements.

Chairman Smith - mentioned the County Road and especially the problems with dust suppression. With 7 million were they willing to provide funds to the County for upgrade to the road?

Eric Hale responded no, it was not in the budget. This is the first time they have heard of this problem. This would require a State appropriation.

Commissioner Arbaney - suggested they pay for a mag chloride application.

Warren Sloan - agreed this was a reasonable request.

Public Comment

Gary Beach - spoke on behalf of several people who are affected. Photos of the site were shown. He stated that DOC is not seeking approval. The citizens have requested to review the proposal. A group of homeowners have taken them to court stating that the State Legislature by-passed the local procedure and that local control has been taken out of these proceedings.

He requested the Board of County Commissioners take a stand and require the DOC to build the prison within the rules and regulations of the County. He added that the area is zoned open space. There is not a physical or legal supply of water for the facility. DOC owns no water rights or irrigation rights rather DOC has an agreement with the Division of Parks to use their water rights. He stated that Representative George requested an impact study be done. The demands placed on County roads; demands for county services go up; and no funds are given into the community/county to offset this. His request before the Board was to hear the people of the County and tell the DOC they do not want a prison build in this area. Gary stated the prison has made a significant impact on the county and would urge a broad range of study be done by some Federal agency before further construction was allowed.

Barry Hamilton - one of the reasons he was so opposed to the prison is the waste water plant. He submitted a study from 1991 regarding what it will cost to correct the various issues of conflict without this expansion. That report estimated 7 million. In addition Barry offered a letter from DOC dated 9/22/95 to the Department of Health, attention of Jack Wablen referencing HB 95 -1352 stating the Rifle Correctional Facility project is underfunded. This is a total of 19 years of problems and violations with the same excuse that there is always an indication of not enough money to do it right.

John Powers - wanted to go on record that he was opposed to this expansion and voiced the overriding sense of injustice when a society who has created a government should then show a certain amount of respect for it. He alluded to the buildings being blown up in Oklahoma and how citizens want to make the government obey the rules it sets. Otherwise, he stated, this creates hostility. Now the Department of Correction is taking over the control of the Board of County Commissioners. His request was specifically that this Board go on record as protesting this expansion. It is designed for 100 beds, operating at 152 beds and now expanding to 192 beds. DOC is not in compliance with the law. They are stealing funds and misusing waste water. There is a mass overloading on the facility and there are no measures to address the current problems. Please go on record as objecting this process.

Steve Henchman from Delta County - stated he has exact the same problem in his County and its the same situation. The Delta Corrections are using an unpermitted dump, experiencing sewage problems, and all of neighbors who once supported it are now opposing it. Under the new State Law there is no authority by local governing bodies to vacate the DOC authority and stated he was strongly encouraging the Board of County Commissioners to oppose this expansion.

Teresa Hamilton - presented a history of the land that the facility is housed on. The Rifle Gap Reservoir was built in 1966-67. In 1967 the Division of Wildlife began payments on the Clark Property of 936 acres for \$112,000 for big game to provide a winter habitat for deer and elk. She presented a map of the boundaries. The Department of Corrections began in 1970.

Chairman Smith - questioned the Department of Corrections officials why the waste water was not done first and also expressed grave concerned about the water supply.

Mark referenced the cost of an adequate waste water treatment plant to page 16 of the DOC report submitted and stated the amount estimated was \$239,000 back in 1994.

Chairman Smith stated if there was not enough dollars in the budget for the waste water, then the deferred work may be the recreational facility. She also referenced the firefighting upgrades. In addition, she inquired as to the building of a greenhouse as one of the things they are contemplating. She questioned if they would be competing with private industry. Also, she stated she has been through the greenhouse at Arrowhead and was under the impression that this was not termed a successful endeavor.

Bill Block - stated that Arrowhead was concentrating on Bonsai trees and that was the reason the greenhouse was not doing well. Chairman Smith strongly suggested the Department of Correction look at the dollars before going into the greenhouse business.

Mark Bean suggested he could draft a letter to the Department of Corrections with carbon copies to the various Legislators expressing concerns that were voiced at this meeting stating this could be handled strictly in an advisory capacity.

Conclusion:

The Rifle Correctional Facility is allowed to expand without any approval by the County, based on the recently approved legislation. It is clear that the expansion needs to have additional work done on the sewage treatment plant for the facility, to guarantee that the water quality of West Rifle Creek is not degraded to the detriment of the Rifle Gap State Park. Additionally, the State of Colorado should be willing to assist Garfield County in the cost of maintaining and repairing County Road 252.

CONTINUED CORPORATE CHANGE - RELAY STATION/CALA DE VIDA

Don DeFord stated that has not heard from Attorney Richard Cummins at all. He suggested that rather than consider it, the matter should be tabled indefinitely until the applicant requests an Agenda time, also the status of the Corporation is unknown.

A motion was made by Commissioner Arbaney to table this issue indefinitely. Chairman Smith stepped down from the Chair to second the motion; carried.

Property South of Sunlight Bridge

Don stated that City Council would be meeting on Thursday and the last step south of the Sunlight Bridge is the rezoning to Hillside Preservation. The sequence was to go through the Special Use Permit process to get this approved before it was rezoned so that the permit was in place before the zoning was in place. This has been accomplished. The Special Use Permit under the City's process only goes to the Planning Commission unless one party or the other decides that they want to appeal the decision of the Planning. They have granted the SUP permit under 9 conditions set forth. These were conditions that were acceptable under final form to Fred Gerbez.

Don stated the process the County will follow is this: once the rezoning occurs then the County will transfer all the property to Fred Gerbez of Berthod Motors then it is out of the County's hands at that point. Then it is between he and the City on the conditions of the SUP; the last step for him to be able to use that property would be to transfer, by deed, that property to the City.

Don inquired of the Commissioners as to what position, if any, to take and what to say at City Council meeting.

Chairman Smith - If they issue the Special Use Permit then the Board of Commissioners did not have a substitutive problem with the rest of it being Hillside Preservation.

Board of Equalization

Mary Lynn reported that only one day was needed for the hearing and they will be heard on July 25th at 8:30 A.M. all day.

Arbitrators - only one response and that one was not qualified; therefore there is no list of arbitrators that can be included.

Computers

Don reported that Mary Lynn's computer is non-functional and the cost to repair is \$900. Mary Lynn's equipment is a 386 and would be foolish to spend this amount of money on such an old system. Vicki's computer is a 286. Don proposed to computerize the entire office which would cost around \$10 to 12,000 dollars.

Commissioner Arbaney proposed to do a complete upgrade however, just how to approach was the concern. He suggested Don put together a basic plan and go to Mike in purchasing to obtain bids.

Carpeting

Don needed clarification on the carpeting. Commissioner Arbaney stated there is \$8,000 in the carpet budget and they approved Rich to do the carpet with the \$8,000. This is also to be used to replace some of the worn carpet in other areas that is a potential hazard to someone tripping such as in Mildred's office.

Adjournment until the Board of Equalization Hearings on July 25, 1996 at 8:30 A.M.

Attest: _____ Chairman of the Board

AUGUST 5, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 5, 1996 with Chairman Marian Smith and Commissioner Elmer (Buckey) Arbaney present. Also present were: County Administrator, Chuck Deschenes and County Clerk and Recorder, Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

Commissioner Arnold Mackley was reported as recovering. He is available if there is a controversial issue and he needs to vote to break a tie.

COUNTY ADMINISTRATOR

Chuck Deschenes presented his report which included budget printouts and bills.

Noxious Weeds

Chuck reported he had a noxious weed report last week. Chuck wanted to have direction regarding how noxious weed control would be handled now that Dave Gallagher had retired. Chairman Smith suggested getting in touch with Gallagher Weed Service as Dave Gallagher had indicated his firm would handle these calls on an individual basis.

Commissioner Arbaney reported there may be someone appointed by the Legislature to handle the noxious weed problem on a full time basis as this problem has reached a state-wide magnitude.

CONCERNED CITIZENS NOT ON THE AGENDA

Mike McBreen, Bill Roberts and Sean Mello of Western Slope Aggregates were present. Discussion: Gravel bids of 9,128 tons of 1" water base gravel and 4600 tons of 3/4" gravel was misunderstood in the bid and Bill had priced the job as a whole versus breaking it down. He stated he had received a phone call from Mike to bid on this gravel and had bid it according to the way he understood what Mike was looking for was on a ton mile price and between pits. Bill stated he basically had a hard time understanding the bid. There was a problem and Bill stated it was because of an unclear point. Bill was the low bidder on the project and was pleased to have the job. Mileage was calculated and no problem. The next day the County started hauling. Kenny then informed Bill that this wasn't going to work. Bill then saw that the ton mile price was a certain amount and the job would be split 50/40 between the pits. Bills put it together and could see how this would work. He wanted to come before the Commissioners and defend his bidding and haul routes as well as show the Commissioners the dilemma. The ton mile is not run into anywhere else. The bids according to Bill were put out for x number of tons.

Commissioner Arbaney suggested it was a pit purchase. He further stated that oral bids are subject to misunderstanding.

Sean showed handouts of the haul coming down 103 Road as 1.9 miles which takes 5 minutes down and up, and 10 minutes to the job. Using standard truck rates worse case scenario would add 50 cents a ton. Others use 20 - 30 cents a ton. Even with 50 cents the difference, Western Slope were \$5900 low. If you just took straight bids and obtained quantities of which was going to the different roads, they are still low by \$2700.

Chairman Smith stated they needed to have King here.

Bill wanted it straightened out.

Chairman Smith needs Don to look at it also and would need to have the bidding process detailed.

The issue was postponed until 1:00 P.M. under the Road and Bridge discussion and suggested that Bill be present.

More discussion took place and included having awards go through the Commissioners. Procedures were not followed and the same problem occurred last year. The Commissioners suggested that Mike put

together a synopsis and to bring the sheet that King gave to Mike to solicit the bids at the 1:00 P.M. meeting.

Credit Cards

Commissioner Arbaney made a motion to assign a limit on credit cards for the Employees Credit Union Cards. Chairman Smith stepped down as Chair to second the motion. Discussion: County Attorney Don DeFord and District Attorney Milt Blakey were assigned \$2500. Milt has witnesses to put up in motels and that is the purpose for such a large amount of credit. Hoffmeister - handles the transportation of inmates and his limit was set at \$2000. Motion carried.

Budget Published in Newspapers

Chuck wanted the Commissioners to know the budget would be published in the newspapers.

Club 20

Chuck reported that transportation issues dealing with air traffic was rescheduled until November. Chuck will try to attend some of those meeting, however he advised the Commissioners that some are scheduled in the lower end of the State which might make it difficult for Chuck to participate.

Budget

Chuck stated the budget printout would be out by the end of September as well as a set of instructions after he received input from the different department heads.

Chuck stated that the budget resolution shows an increase. Chuck clarified and a discussion ensued.

Chairman Smith suggested not to transfer savings out of the ones who stay within their budget.

Chuck stated that this would require more publishing but he could publish the monthly amounts.

Commissioner Arbaney stated to only give the public an explanation. The budget is an authorization to spend. The goal is to improve it every year.

Chuck stated that he already uses a journal entry with a explanation.

Fairgrounds

A change for the Fairgrounds was reported. The Rodeo put on by the Fairgrounds made a few dollars and the vendor from Meeker wants to do it next year as it's on the same circuit.

Veterans Officer

Chuck stated he had two applicants and should be hiring this week.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Dale Hancock, and Doyle McGinley were present.

Jail Count

Total in jail - 109; Main jail 38; Work Release 42; 16 in other jails; Females 7; Day Reporting 2; State Hospital 2; DOC 9; and 3 Home Detention.

Dale reported the average cost per day for inmates in other jails was \$50 however, this is not including the transporting and medical costs.

Tom stated he had notified the Federal court they were in violation three times.

Fire - Peach Valley

The last three days there has been 20 fires reported. The big fire in Peach Valley was a real problem regarding Grand Junction's involvement. Tom stated that when BLM gets involved things get out of hand. It appears they love to use the resources.

Airtankers were used above Parachute North West due to tough terrain and wind gusts. They did two slurry drops. The fire in peach valley began to burn on BLM property and that is when the BLM staff became involved. This involved a private helicopter out of Grand Junction. Tom stated he is checking on where this was dispatched. John will be coming over this week to discuss the issue. It mainly involves BLM having a different philosophy. Tom also reported that lightening strikes created the fires. The one in

Parachute was on private land and BLM kicked in some resources as it was within 1/2 mile of BLM land. The fuel content overall is very high.

Executive Session - Personnel Issue

Commissioner Arbaney made a motion to go into an Executive Session to discuss a personnel issue.

Chairman Smith stepped down as Chair to second the motion. Carried.

Commissioner Arbaney made a motion to come out of Executive Session. Chairman Smith stepped down as Chair to second the motion; motion carried.

Community Corrections/Jail Advisory Board Report

Doyle McGinley with the Community Corrections/Jail Advisory Board reported for Al Maggard. Al is drafting a letter in response to Don Vanderhoof's Letter to the Editor regarding the jail issue. Al stated he took Vanderhoof's article and took it apart piece by piece and answered it addressing all the points referenced. The City of Glenwood Springs doesn't even own the Chatfield property. Al has the letter in a rough draft form and will submit it to the newspapers as soon as possible. Doyle further commented that the regular Committee would meet on Thursday at noon and the Screening Committee for Community Corrections was meeting on Tuesday. Doyle stated due to the limited funds, the Committee has very strict guidelines in selecting the participants.

Jail

The UPL building site was discussed. Doyle questioned as to when does a municipality have to house their own jail. This issue may lead to a possibility to force the issue with the City. Tom reported that currently there are 2 inmates in the Rio Blanco Jail on municipal charges. Chuck felt there was some recourse. It was suggested to do a Request for Proposals for removal of the UPL site and buildings located on the site hoping that this will get a response from someone.

Chairman Smith requested Mildred to schedule an hour on the agenda for lunch at the August 12th meeting for a jail tour and lunch.

Party - Teenager Keg

Sheriff Dalessandri stated his Deputies had busted a teenage keg party and many were cited for possession. In the future everyone will be cited even if they are merely in the presence of alcohol. Some were not drinking, however Tom stated the message has to be made regarding the damage done to the property; the danger associated with the bon fire; the dusty road; the possibility of creating wrecks from poor visibility; grazing permits; the damage done to the rancher with the permit such as disrupting trees; etc. This alcohol was all bottles and cans, no kegs.

Commissioner Arbaney asked if this would show up on these juveniles records.

Tom answered it was a petty offense and kept within the juvenile records. In some cases the courts can seal the records and others will clear the records when the juvenile reaches age 21. Tom further clarified that each teen was fined \$100 and a specific amount of useful public service. Part of the useful public service would be to make them clean up the mess they made.

Tom was concerned about the charges, however the parents of the teenagers involved were very supportive and no one was upset.

Tom also reported that BLM staff had busted the same group of kids up on BLM property the previous evening. The danger of fires by these parties was a great concern. Tom reported the ages range from 14 to 21 year olds.

Dan Hall - reported he was having a problem with getting a bed at the State Hospital for a mental patient. Chairman Smith stated they were supposed to have a slot of beds available.

Dan added that due to overloads they cannot take the offender to the State Hospital. Don reported the State Hospital would not take the offender until they have a bed.

Tom stated a letter would have to be drafted informing the agencies that the jail cannot take any more mental M-1 holds due to a lack of facilities.

Chairman Smith suggested the local hospitals be asked if they will take them.

Dan stated we need to make a statement to the agencies that the originating counties are responsible to transport the M-1's back to the county where they originated.

Tom stated that the mental health is not a problem as mostly the offender is intoxicated however, it was when they sober up they become a mental case. When the judge signs a hold, it is as if the jail becomes a dumping ground per Dan Hall. Other counties have become unwilling to deal with their inmates with the same problems. He stated they have the same problems with Western Academy. A warrant issued through the courts becomes a violation of probation which then becomes the law enforcement's problem to transport them. Dan stated there was a lot of Eastern slope kids which frustrates law enforcement even more.

The Commissioners suggested Don Hall should talk with Don DeFord.

COUNTY BUSINESS - EMPLOYEE OF THE MONTH

Dan Hall, Tom Dalessandri and Roger Thomas were present. The award for Employee of the Month for August 1996 went to Roger Thomas.

DEPARTMENT HEADS

Jim Stevens of Communications reported on the remodeling cost for the Communication Center. Also, that Tim Sarno had given him some unofficial results stating Garfield County Communications did get a substantial portion of the Energy Impact Grant Funds. The room to the North of the consoles is being remodeled and this is the location of where the new computer equipment will be housed. Chairman Smith was in favor of the remodel stating it would be a better utilization of space.

Bid

Jim stated he will use the work release labor force except for the electrician. Thus far the demolition of one wall in the hallway was all that had been accomplished.

EXTENSION

Carol McNeel reported that she has the posters for the Fairgrounds ready for posting. The Fashion Show is to be on Saturday and street banners were being placed around the stage. She also reported the Fairbooks were being distributed. During the time out of the office, the telephone number of 625-5250 was being used to refer calls. She reported there was a Melodrama on Saturday and the Concert was on Wednesday. Commissioners are scheduled for the 17th.

Moving

Carol stated some shelving was needed and asked how this would be paid. Chuck indicated it would come out of capital improvements. Anything less than \$500 could be included in minor things covered as operating expenses.

Carol added that more Volunteers were needed for entry posting.

BUILDING AND PLANNING

Norman and Cheryl Chandler

Mark Bean gave a preliminary report for the day's events. He reported on an update regarding the Public Meeting at Noon today for Norman and Cheryl Chandler. In giving a sequence of events, Mark reported that the property was in the process of being closed; the Chandlers had sold the entire parcel and purchased another parcel. He was not sure if Cheryl would be at the meeting today or not. Mark had spoken to the attorney representing the new party.

Carter Jackson/Holy Cross Electric Re-Zoning

Mark stated he needed a motion regarding a request from Carter Jackson and Holy Cross Electric to re-zone a portion of Carter Jackson property to commercial general. He requested this be referred to the Planning Commission for review.

Commissioner Arbaney made a motion to refer the Carter Jackson and Holy Cross Electric re-zoning request to the Planning Commission. Chairman Smith stepped down as Chair to second the motion; carried.

Proposed Zoning Resolution- Storage for Non-Natural Resource Materials

Commissioner Arbaney made a motion to authorize staff to draw up a proposed amendment to the zoning resolution to consider storage for non-natural resource materials as a special use within the

agricultural/residential zone district. Chairman Smith stepped down as Chair to second the motion; carried.

Extension - C. R. Betts

Mark presented a request for extension for C.R. Betts for 120 days.

A motion was made by Commissioner Arbaney and seconded by Chairman Smith who stepped down from the Chair to grant a 120 day extension for C.R. Betts. Motion carried.

Extension - Ernest Frywall

Commissioner Arbaney made a motion to approve a one year extension made by Sherry Calioa for Ernest Frywall until April 12, 1997. Chairman Smith stepped down from the Chair to second the motion; carried.

Resolution/Plat - Eanes

Commissioner Arbaney made a motion to authorize the Chair to sign the Plat and Resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for Robert and Barbara Eanes. Chairman Smith stepped down from the Chair to second the motion; carried.

Resolution/Plat - Sahula

A motion was made by Commissioner Arbaney to authorize the Chair to sign the Plat and Resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for Peter Sahula. Chairman Smith stepped down as Chair to second the motion; carried.

Resolution/Plat - Elder and Jewell

A motion was made by Commissioner Arbaney to authorize the Chair to sign the Plat and Resolution concerned with granting an exemption for the Garfield County Subdivision Regulations for Ruth Elder, L. Warren Jewell and August Jewell. Chairman Smith stepped down from the Chair to second the motion; carried.

Amended Plat - Antler Orchards

A motion was made by Commissioner Arbaney to authorize the Chair to sign an amended plat for Antler Orchards to realign the various properties specific to lots 5, 11, 12, 21, 22, 27, 28, 37, 38 and 43. Chairman Smith stepped down as Chair to second the motion; carried.

Amendment to Special Use Permit - Western Slope Aggregates

A motion was made by Commissioner Arbaney to authorize the Chair to sign the approval of an amendment to a Special Use Permit for the Western Slope Aggregates which is the resolution that identifies the conditions of approval for the road to go down to the highway. Chairman Smith stepped down as Chair to second the motion; carried.

Resolution/Preliminary Plan - Sierra Bluffs Filing No. 2

A motion was made by Commissioner Arbaney to authorize the Chair to sign a Resolution concerned with the approval of a preliminary plan for Sierra Bluffs Filing No. 2. Chairman Smith stepped down as Chair to second the motion; carried.

AMENDED PLAT - LOT G-1, ASPEN GLEN FILING NO. 1 APPLICANT: ASPEN GLEN GOLF CO.

Mark Bean presented. This is a request to basically amend what was the building envelope for single family lots and does not change any geological patterns for sink holes or anything like that. They wanted to move the lot. Mark stated they do not have the appropriate signatures needed and will therefore take it back to them if the Commissioners have no problem. The Commissioners stated they did not have a problem with the request and Mark could proceed.

CONSIDERATION OF VACATION CHANNEL OFFER ON TRANSLATOR AND LICENSE

Dale Hancock presented The Vacation Channel letter which constitutes an offer to purchase the authorization (license) held by the County for broadcast television Channel 36, along with the transmitter and antenna associated with this channel. The offer is for \$14,000.

Discussion: With changes to the contract that include "equipment as is, where is" the Commissioner approved of the draft.

A motion was made by Commissioner Arbaney to authorize Dale to complete the draft of the contract with The Vacation Channel for \$14,000 with the changes stated above for a transfer of the Channel 36 license. Chairman Smith stepped down to second the motion; carried.

AMENDED EXEMPTION PLAT APPLICANT: F. PETER SIMMONS

Mark Bean presented a request from Mr. Simmons who is proposing to do a boundary line adjustment up Spring Valley. It affects two lots which allows a smaller house in a location which is better in his point of view to meet his own needs. Mark stated it did not require a motion at this point however it would when the plat is presented.

Resolution - Quit Claim Deed/Coryell Road

A motion was made by Commissioner Arbaney to authorize the Chair to sign a Resolution accepting the quit-claim deed of certain property known as Coryell Road as a County Road. Chairman Smith stepped down as Chair to second the motion. Carried.

Bills

A motion was made by Commissioner Arbaney to accept the bills as presented for July, 1st run. Chairman Smith stepped down as Chair to second the motion. Carried.

PUBLIC HEARING - AMENDMENTS TO SECTION 8, EXEMPTIONS, GARFIELD COUNTY SUBDIVISION REGULATIONS APPLICANT: GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS

Mark Bean presented the proposed amendments to the subdivision exemption regulations. He stated that notice was published 30 days in advance on June 26, 1996.

Exhibit A - public notice; and Exhibit B - memorandum from Mark to the Board of County Commissioners dated July 1, 1996. Chairman Smith admitted Exhibits A - B into the record.

Mark stated he was also representing the Planning Commission findings and reported they have approved the amendments to Section 8, Exemptions, Garfield County Subdivision Regulations. Specifically these regulations work with Section 8 dealing with requests from the definition of subdivision.

8:00 EXEMPTION

8:10 APPLICABILITY

The Board of County Commissioners has the discretionary power to exempt a division of land from the definition of subdivision and, thereby, from the procedure in these Regulations, provided the Board determines that such exemption will not impair or defeat the stated purpose of the Subdivision Regulations nor be detrimental to the general public welfare. The Board shall make exemption decisions in accordance with the requirements of these regulations. Following a review of the individual facts of each application, in light of the requirements of these Regulations, the Board may approve, conditionally approve or deny an exemption request. The Board has determined that leases, easements and other similar interests in land for oil and gas facilities; and an accessory dwelling unit or two family dwellings that are subject to leasehold interest only and complying with the requirements of the Garfield County Zoning Resolution, are exempt from these regulations.

8:20 PROCEDURE

8:21 A request for exemption shall be submitted to the Board on forms provided by the Garfield County Department of Development/Planning Division. Two (2) copies of the application, maps and supplemental information shall be submitted.

8:22 The Planning Division shall review the exemption request for completeness within the eight (8) days of submittal. If incomplete, the application shall be withdrawn from consideration and the applicant notified of the additional information needed. If the application is complete, the applicant shall be notified in writing of the time and place of the Board of County Commissioners' meeting at which the request shall be considered. In either case, notification shall occur within fifteen (15) days of submittal.

8:30 BOARD OF COUNTY COMMISSIONERS' MEETING

8:31 The Board shall consider the exemption request at a scheduled Board meeting. Notice of the public meeting shall be mailed by certified mail, return receipt requested, to owners of record of land immediately adjoining and within two hundred (200) feet of the proposed exemption, to mineral owners and lessees of mineral owners of record of the land proposed for conversion. The exemption site shall be posted clearly and conspicuously visible from a public right-of-way, with notice signs provided by the Planning Division. All notices shall be mailed at least fifteen (15) and not more than thirty (30) days prior to the meeting. The applicant shall be responsible for mailing the notices and shall present proof of mailings at the meeting.

8:32 At or within fifteen (15) days of the meeting, the Board shall approve, conditionally approve or deny the exemption request. The reasons for denial, or any conditions of approval, shall be set forth in the minutes of the meeting or in a written Resolution. An applicant denied exemption shall follow the subdivision procedure in these Regulations.

8:33 A plat of an approved or conditionally approved exemption shall be presented to the Board for signature within 120 days of approval. The plat shall include a legal description of the exempted property, and Exemption Certificate (see appendix), the County Surveyor's Certificate (see appendix) and a statement, if four (4) lots, parcels, or interests have been created on the parcel, that "NOTE: No further divisions by exemption from definition will be allowed." The plat shall be recorded with the County Clerk and Recorder no later than thirty (30) days after the Chairman's signature. The Chairman of the Board of County Commissioners shall not sign a plat of a conditionally approved exemption until all conditions of approval have been complied with.

8:40 SUBMITTAL MAPS AND SUPPLEMENTAL INFORMATION

8:41 An application for exemption shall be accomplished by the following maps:

- A. Sketch map, at a minimum scale of 1" = 200', showing the legal descriptions of the property, dimension and area of all lots or separate interests to be created, access to a public right-of-way, and proposed easements for drainage, irrigation, access or utilities; and
- B. Vicinity map, at a minimum scale of 1" = 2000', showing the general topographic and geographic relation of the proposed exemption to the surrounding area within two (2) miles, for which a copy of a U.S.G.S. quadrangle map may be used.

8:42 The following supplemental information regarding the proposed exemption shall be filed with the application:

- A. Copy of the deed showing ownership in the applicant, or a letter from the property owner(s), if other than the applicant.
- B. Names and addresses of owners of record of land immediately adjoining and within two hundred feet (200') of the proposed exemption, mineral owners and lessees of mineral owners of record for the property to be exempted, and tenants of any structure proposed for conversion;
- C. Evidence of the soil types and characteristics of each type;
- D. Proof of legal and adequate source of domestic water for each lot created.

Proof of a legal supply shall be an approved substitute water supply plan contract or augmentation plan, an approved well permit or legally adjudicated domestic water source. Proof of the physical supply for the public meeting may be documentation from the Division of Water Resources that demonstrates that there are wells within 1/4 mile of the site producing at least five (5) gallons/minute. Prior to the signing of a plat, all physical water supplies shall demonstrate the following:

- 1) That a four (4) hour pump test be performed on the well to be used;
- 2) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;

- 3) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge;
- 4) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;
- 5) An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- 6) If the well is to be shared, a legal, well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs.
- 7) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

Method of sewage disposal, and letter of approval of fire protection plan from appropriate fire district;

- E. If connection to a community or municipal water or sewer system is proposed, a letter from the governing body stating a willingness and ability to serve;
- F. Narrative explaining why exemption is being requested; and
- G. It shall be demonstrated that the parcel existed, as described on January 1, 1973, or the parcel, as it exists presently, is one (1) of not more than three (3) parcels created from a larger parcel, as it existed on January 1, 1973.

8:50 REVIEW CRITERIA

8:51 An application exemption must satisfy, at a minimum, all of the review criteria listed in Section 8:52. Compliance with the review criteria, however, does not ensure exemption. The Board may also consider the additional factors listed in Section 8:60, and the applicability standard of Section 8:10, to determine whether the exemption in the Board's discretion, shall be approved or denied.

8:52 The Board shall not grant an exemption unless the division proposed for exemption has not satisfied the following criteria;

- A. No more than a total of four (4) lots, parcels, interests or dwelling units will be created from any parcel, as that parcel was described in the records of the Garfield County Clerk and Recorder's Office on January 1, 1973. In order to qualify for exemption, the parcel as it existed on January 1, 1973 must have been larger than 35 acres in size at that time and not part of a recorded subdivision; however, any parcel to be divided by exemption that is split by a public right-of-way (State or Federal highway, County road or railroad), preventing joint use of the proposed tracts, and the division occurs along the public right-of-way.

Such parcels thereby created may, in the discretion of the Board, not be considered to have been created by exemption with regard to the four (4) lot, parcel, interest or dwelling unit limitation otherwise applicable. For purposes of definition, all tracts of land 35 acres or greater in size, created after January 1, 1973 will count as parcels of land by exemption since January 1, 1973;

- B. All Garfield County zoning requirements will be met;
- C. All lots created will have legal access to a public right-of-way and any necessary access easements have been obtained or are in the process of being obtained;

- D. Provision has been made for an adequate source of water in terms of both the legal and physical quality, quantity and dependability, and a suitable type of sewage disposal to serve each proposed lot;
 - E. All state and local environmental health and safety requirements have been met or are in the process of being met;
 - F. Provision has been made for any required road or storm drainage improvements;
 - G. Fire protection has been approved by the appropriate fire district;
 - H. Any necessary drainage, irrigation or utility easements have been obtained or are in the process of being obtained; and
 - I. School fees, taxes and special assessments have been paid.
- 8:60 **ADDITIONAL CONSIDERATIONS**
- In the evaluation of each petition for exemption, and in addition to the review criteria in Section 8:52, the Board should consider the following:
- A. General conformance with the Garfield County Comprehensive Plan;
 - B. Compatibility of the proposed exemption with existing land uses in the surrounding area;
 - C. Recommendations of any municipality within two (2) miles of the proposed exemption, or within three (3) miles, if the municipality has a major street plan;
 - D. Recommendations of any state or local agency or organization whose opinion the Board determines is necessary or appropriate;
 - E. Suitability of soil, water, vegetation, geologic and topographic characteristics of the land for the type of division proposed;
 - F. Number of lots and/or multiple-dwelling units created by the proposed exemption;
 - G. Provision for open space within the proposed exemption; and
 - H. Proposed density and provisions for adequate off-street parking.
 - I. Covenants and plat notes, restricting the lots to the following:
 - 1) One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries. The requirement will be included in the protective covenants for the subdivision with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases.
 - 2) No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit.
 All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.
 - 3) Each subdivision shall have covenants requiring that all exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

A motion was made by Commissioner Arbaney to close the Public Hearing. Chairman Smith stepped down as Chair to second the motion; carried.

A motion was made by Commissioner Arbaney to approve the proposed amendments. Chairman Smith stepped down as Chair to second the motion. Motion carried.

Mark stated he would present the Resolution for signature next week.

PUBLIC MEETING FOR SB 35 EXEMPTION, RECONSIDERATION OF CONDITIONS OF APPROVAL REGARDING ACCESS APPLICANTS: NORMAN AND CHERYL CHANDLER

Mark reported the Chandler property has been sold to another party who can continue the process. He stated there was no need to continue this meeting as they have 120 days from July 15 to take further action.

CONCERNED CITIZENS PRESENTATION BALLOT QUESTIONS

Charlie Willman and Tom Beard, Co-Chairman presented the Resolution regarding the sales tax for consideration. Don and Charlie spent time going over the ballot title and underlining proposal of how the funds would be divided which included a 3/4 of 1 percent on the sale of tangible personal property at retail and furnishing of services by dedicating the new sales tax revenues as follows:

25% for emergency dispatch communications systems; 37.5% for county roads and bridges; 12.5% for municipal roads and bridges; 12.5% for public health and human services; and 12.5% for public safety - sheriff deputies; which also provided that funds in excess of 105% of the net revenues received for each year commencing with the second year shall be used for Garfield County Capital, personnel, operations and road and bridge needs or placed into a reserve account for those needs; and establishes capital improvement funds for future capital needs for the emergency communication system and for public health needs; and allows for the establishment of a special road improvement and maintenance fund to be applied to improve and maintain county roads and bridges.

The following individuals in the audience spoke in favor of the tax ballot issue: Carol McNeel; Regina Broughton, John Steele, Jim Yale, Jim Stevens, Margaret Long, Leslie Robinson; Steve Thomas; Cheryl Hurst; Jan Kaufman; Tom Beard; and King Lloyd.

The committee working on the tax ballot question stated that a survey had been performed and 67% of the people surveyed liked the ballot proposal and stated they would vote yes for the increase. The Committee urged the Commissioners to move quickly in order that they would have adequate time to advertise and sell the increase to the voters.

An agenda time was set for August 19th at 4:00 p.m. to have the committee present a Resolution for the Commissioners signature.

Chairman Smith thanked the committee for the hours of commitment spent in developing this.

Charlie stated the municipalities have accepted this very well.

Tom stated the last count showed 58% of the voters live in municipalities.

Mildred stated that whatever the Board of County Commissioners recommends as the adoption of the Resolution for Ballot, she will publish (4) four times before the vote.

Jan Kaufman stressed that approval of the Commissioners in a timely fashion was of the essence as they needed to raise the money to advertise this to the voters. She emphasized the voters must understand what the issues are about.

Chairman Smith stated they need Don and Chuck to go through the numbers.

Chuck will sit down with the committee.

Charlie stated he will do pie charts for a visual.

Chamber Tent at Fairgrounds

A motion was made by Commissioner Arbaney to authorize the Chair to sign a waiver, release and covenant not to sue for the Chamber of Commerce Tent at the Fair. Chairman Smith stepped down as Chair to second the motion; carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd submitted a dramatic presentation of the road conditions in a document that illustrated pavement management for the Battlement Mesa road maintenance projections. The report was taken and adjustments made to illustrate the need for additional maintenance monies.

Bid Awards - Gravel

Mike McBreen and King Lloyd submitted the memo and fax bids received. The Foreman ran time distance from each job to the pits and then did a comparison and analysis. Mike brought over Western Slope's work sheet.

Fred Frie with Frie Sand and Gravel - Road 311 - Silt; and Bill Roberts of Western Slope Gravel were present. Both are owners of gravel pits and have an interest in the bid awards.

King stated his number one priority in the awarding of the bids was the overall savings to the County and making awards closest to the pit which has worked in the past.

Chairman Smith stated if the County does not look at the bottom line and the overall bid this practice would not be entirely fair.

Commissioner Arbaney stated it makes the bidder in an unfair position.

Mike stated he felt the bids should be awarded on the total bids.

Bill Roberts stated he was less on the total bid by \$2700.

Chairman Smith - stated there must be a way to make this simpler.

King stated that the way it has always been done is by job site.

Commissioner Arbaney stated he didn't like the idea that the bid was given over the phone; stated it should be a formal bid process.

King justified that he bid it out by the job.

Chairman Smith stated there was some concerns and must be corrected.

Commissioner Arbaney stated the Commissioners were not aware they were being by-passed until Mike approached Commissioner Arbaney. No memo was received by the Board of County Commissioners. The Memo they received was dated the 10th.

Chuck recommended the bid process be improved. King and Bill need to sit down and go over the figures.

King reported that County Road 101 is complete; County Road 170 will be complete by August 6th.

County Road 170 was awarded to Western Slope; and County Road 101 was awarded to Roaring Fork.

County Road 100 award is about 2 weeks away.

Commissioner Arbaney stated it will be a formal bid process from now on and never again would it be handled this way.

Mike through purchasing needs to do it.

Bill wanted to know the award process on County Road 100.

Commissioner Arbaney stated that all should go to the low bidder.

Bill Roberts of Western Slope was awarded all of Road 100.

A motion was made by Commissioner Arbaney to award the entire bid for County Road 100 gravel to Bill Roberts of Western Slope Aggregates. Chairman Smith stepped down from the Chair to second the motion. Carried.

Commissioner Arbaney stated the bid process will be changed.

King suggested to take a road tour and assess road conditions on-site.

Tuesday afternoon August 8th was set up for the road tour at 1:00 P.M. and arrangements were made to meet at the Courthouse.

CONTINUED PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 4 1/2 MILES SOUTH OF GLENWOOD SPRINGS, COUNTY ROAD 117 APPLICANT: DR. WILLIAM FLOOD

Mark Bean, Eric McCafferty, Nancy Flood, and Lou Trapani were present.

Eric presented this is an exemption from the definition of subdivision on a 6.07 tract of land located on CR 117 (Four Mile Road). The applicants are proposing to divide by exemption the 6.07 acre tract into two (2) parcels of four (4) and two (2)2 acres in size.

Recommendations:

Staff recommends approval of the petition, pursuant to the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the date of conditional approval, if requested by the petitioner within the original 120 day period.
4. That the applicant shall submit \$200.00 in School Impact Fees for the creation of the exemption parcel.
5. That the following plat notes shall appear on the Final Exemption Plat:

"The legal water supply for this exemption is subject to curtailment if the contracts supporting the substitute water supply plan are not renewed."

"The augmentation plan supporting the legal water supply for Parcel B, set forth in Case No. 94CW344, is subject to reconsideration on the question of vested water rights, after a period of five (5) years, commencing on the date specified in the Order of Adjudication of Case No. 94CW344."

"Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS and building needs on the site."

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
6. Final approval will be contingent on receiving a letter of approval from the Glenwood Springs Department of Emergency Services, prior to the signing of an exemption plat. Furthermore, the applicant will be required to adhere to all recommendations made by said department.
7. Control of noxious weeds will be the responsibility of the property owner.
8. That, prior to the authorization of an exemption plat, the petitioner shall provide to the Planning Department a copy of the fully-executed (signed by all parties) Judgment and Decree in Case No. 94CW344, a copy of a valid well permit for the proposed lot (2 acre lot), a copy of a well completion report for the well proposed for this lot, the results of a four (4) hour pump test, and a statement by the individual conducting the pump test that this well is capable of serving the proposed use.
9. The exemption plat shall clearly demonstrate the location of the existing individual sewage disposal system (ISDS) and the configuration of both lots will be done in such manner as to comply with all required setbacks. This shall be accomplished by the designation of a building envelope, on Parcel B (the 2 acre lot). The plat shall also be required to show the actual location of the well on Parcel B and demonstrate that all required setbacks are met.
10. That the electrical utility be brought onto the two (2) acre lot via the 25 foot wide strip of land located along the northern portion of the larger, four (4) acre lot.

11. Upon adoption of road impact fees, the new lot created by this exemption shall be subject to paying the fee, paid at the time of building permit application, or other method, and paid by the building permit applicant.

A motion was made by Commissioner Arbaney to approve the exemption from the definition of subdivision for William and Nancy Flood on a 6.07 tract of land located approximately 4.5 miles south of Glenwood Springs on CR 117 as described in the project information and staff comments with all major issues, suggested findings, and recommendations with the addition of Condition No. 11. Chairman Smith stepped down from the Chair to second the motion; carried.

CONTINUED PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION LOCATED IN NO NAME APPLICANTS: MARK AND MELISSA ENGLISH

Eric McCafferty presented. Mark and Melissa English was present. Eric submitted an addendum explaining that the English subdivision had been previously postponed to allow the County time to consider the adoption of a change to the Subdivision Regulations, essentially adding a Minor Subdivision procedure to the existing regulations. The need for the Minor Subdivision, in this case, would have allowed the petitioners to add additional land to their existing tract, which is not allowed for the exemption procedure and, upon application for a Minor Subdivision and approval by the Board, could have resulted in the creation of the additional lots being requested. However, no Minor Subdivision procedure has been approved by the Board to date, and it would appear that this procedure is not currently being considered. Based upon these facts, staff recommends that the Board grant approval of one (1) lot, at least one (1) acre in size, pursuant to the following conditions as listed.

Recommendations:

- That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
- A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
- That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption.
- That the applicant shall submit \$200.00 in School Impact Fees for the creation of the exemption parcel.
- That the applicant apply for and receive the necessary "shares" of water from the No Name Creek Water Association and provide for the infrastructure necessary to provide sufficient water to the exemption parcel, prior to authorization of an exemption plat.
- That the following plat notes be included:
 - "Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."
 - "The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
 - "The individual lot owners shall adhere to all noxious weeds laws in effect."
- 7. That the Glenwood Springs Department of Emergency Services shall provide to the Planning Department a letter stating its approval of the new, proposed access.
- 8. That the access easement to the lots shall be a minimum 25 feet in width.

A motion was made by Commissioner Arbaney to approve an exemption from the definition of subdivision for Mark and Melissa English for a 2.76 acre portion of land approximately two (2) miles east of Glenwood

Springs in No Name as described in the staff packet with all major issues and concerns, suggested findings, and recommendations with three additions (noted in the recommendations). Chairman Smith stepped down from the Chair to second the motion. Motion carried.

CONTINUED PUBLIC MEETING - SB 35 SUBDIVISION EXEMPTION LOCATED IN NO NAME APPLICANTS: CHARLES AND PEGGY DONELAN

Eric McCafferty, Mark Bean, Charles Donelan were present. Eric presented an addendum which explained that the Board had continued the Donelan petition for an exemption of subdivision because, to a large degree, the Donelan request would probably not be possible without the approval of the English request. This is solely due to the access to the lot proposed by Donelan being across the English property. Essentially, with the approval of the English request and based upon staff review of the submitted information and approval of the legal access to the English parcel, the staff recommends approval of the request pursuant to the conditions.

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. Extensions of up to one (1) year from the original date of approval may be granted by the Board if requested by the applicant prior to the expiration of the original 120 days.

That the applicant shall submit \$200 in School Impact Fees for the creation of the exemption parcel.

That the applicant apply for and receive the necessary "shares" of water from the No Name Creek Water Association and provide for the infrastructure necessary to provide sufficient water to the exemption parcel. This shall be done prior to the authorization of an exemption plat.

That the following plat notes be included:

"Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."

"The control of noxious weeds shall be the responsibility of the landowner.

7. That all lots created by this exemption shall be the responsibility of the landowner."

8. If access is across the English property, the applicant shall secure an access easement across the English property, which shall be recorded with the exemption plat.

A motion was made by Commissioner Arbaney to approve an exemption from the definition of a subdivision for Charles and Penny Donelan on a 2.07 tract of land located approximately two (2) miles east of Glenwood Springs in No Name with all major issues and concerns, suggested findings, and recommendations with the changes as noted in the recommendations above. Chairman Smith stepped down from the Chair to second the motion. Motion carried.

**CONTINUED PUBLIC MEETING - SUBDIVISION EXEMPTION LOCATED
APPROXIMATELY 2 MILES EAST OF SILT APPLICANT: TAMERA DUPLICE**

Eric McCafferty, Mark Bean, and Walt Brown were present.

This is a request for an exemption from the definition of a subdivision for a 10.0 acre tract of land located approximately two (2) miles east of Silt, south of Interstate 70, along the I-70 Frontage Road for Tamera Duplice.

A letter submitted to Walt Brown was submitted.

Bret Peterson - Riverfront Road - New Castle, spoke regarding the property saying it was family owned since 1956. The water shown in the photos results from the spillway from the Cactus Valley Ditch. As high water comes through there, the drainage simply cannot get away. His problem is that he will maintain the ranch and doesn't want to see another subdivision beginning on the end of his ranch. He stated it was not a choice place for a subdivision. It is only good for pasture land due to the water levels.

Eric stated no further exemption could be requested although a subdivision could be pursued.

Chairman Smith - since there is an objection and her attorney is not present she suggested to either continue the meeting or deny the exemption. Walt Brown appeared at 4:20 P.M. stating that his calendar stated 4:30 and Eric's letter said 4:00 P.M.

Bret stated Tamera will need to go through the BLM to drain the water. He stated he did contribute to the water somewhat due to his irrigation.

Walt stated Tamera Duplice was going to have an engineer to provide a report. And requested an extension of time.

Walt suggested to amend No. 3 - and set a date certain after an engineer has looked at it.

Recommendations:

Staff had recommended the public meeting be continued to allow the petitioner time to have an engineer evaluate the flooding situation specific to the subject property. Upon the applicant satisfactorily demonstrating the above, or if the Board feels that all questions have been answered, staff recommends APPROVAL of the applications, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up (1) year from the original date of approval.

That the applicant shall submit \$200.00 per lot, in School Impact Fees for the creation of all exemption parcels.

That the following plat notes be included:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners." (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building applicant."

"Prior to issuance of a building permit, the owner of each lot shall prepare and submit a soils and foundation report, an I.S.D.S. design, and a grading and drainage plan prepared and certified by a professional engineer. All improvements shall be constructed in accordance with such measures, which shall be a condition of the building permit."

"No further divisions by exemption from definition of subdivision will be allowed."

The control of noxious weeds shall be the responsibility of the landowner.

The applicant shall receive any necessary driveway permits, for each lot created, from the appropriate authority.

Criteria for demonstrating the quality, quantity and dependability of a well or a well system:

- a) A well be drilled and a 4 hour pump test shall be

- performed;
the well
characteristics of
- b) The applicant supply, to the Planning Department, completion report demonstrating the depth of the well, the the aquifer and the static water level;
 - c) The results of the 4 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
 - d) A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
 - e) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

That the petitioner engage a qualified engineer to evaluate the nature of the flooding on the parcel and designate specific mitigation criteria that would allow development consistent with the existing zoning. This shall be completed prior to the authorization of an exemption plat.

A motion was made by Commissioner Arbaney to continue this public meeting until October 14th at 2:00 P.M. for Tamara Duplice. Chairman Smith stepped down as Chair to second the motion. Motion carried.

Building and Planning - Cedar Hills Subdivision

Eric McCafferty presented a request from Mr. Clausen who wanted release of funds in order to pay Public Service and was requesting a portion of the total amount of security being held until final plat. Eric displayed a copy of the check Mr. Clausen had written to Public Service for \$72,722.00 which is the required amount included in the contract Mr. Clausen signed for services to be provided. This leaves a ballpark figure of \$270,000 being held.

A motion was made by Commissioner Arbaney to authorize the Chair to sign an acknowledge of partial release of \$72,722.00 in funds for Spring Creek Land for Cedar Hill Subdivision for payment to Public Service for Norm Clausen. Chairman Smith stepped down as Chair to second the motion; carried.

Adjournment 4:35 P.M.

Attest:

Chairman of the Board

AUGUST 12, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 12, 1996 with Chairman Marian Smith and Commissioner Elmer (Buckey) Arbaney present. Also present was: County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

Chairman Smith noted for the record that Commissioner Mackley was still recovering.

Sales Tax

A motion was made by Commissioner Arbaney to have a special meeting with the Sales Tax Committee on Tuesday, August 13, 1996 at 9:00 A.M. Chairman Smith stepped down as Chair to second the motion. Carried. The meeting is to be held in Rifle.

Bid Proposal Process

Mike McBreen and Chuck Deschenes were present. Commissioner Arbaney stated the method in which he wanted the bids to go out which included no FOB on maintenance gravel bids. He added the bid includes "at the pit by county trucks." The 50 cent ton mile has nothing to do with the bidder and this is no concern of the gravel supplier. As a supplier of whatever material, the supplier figures the overhead and his net profit. This determines his bid. Discussion was held on the method of awarding bids for gravel to be used by the County for road maintenance. Commissioner Arbaney added this clause - "The County will consider the ton mile when awarding the bid." And he added he wanted to include a statement that "all or part of the bid award may be split out."

COUNTY ADMINISTRATOR

Chuck Deschenes presented his report to the Board.

Budget Requests

Chuck reported there were three budget requests. Extension has requested a minimum of \$30,000 first year; \$40,000 second year; and future years up to \$50,000 as their volunteer funds will be depleted. Valley Resource Management, with the benefit of hazard waste, is requesting \$4,400. Chuck added that these will be considered during budget time. Also, BLM has requested for \$5,000 for the New Castle Cemetery.

Fairgrounds contract

Commissioner Arbaney made a motion to authorize the Chair to sign a Fairgrounds Contract for Area 8 Dream for August 24th and 25th for a Rodeo. Chairman Smith stepped down as Chair to second the motion. Carried.

COLLIN LAIRD/HEALTHY MOUNTAIN COMMUNITIES

Collin Laird of Healthy Mountain Communities did not show up for this meeting.

1995 BUDGET ENTREES

Chuck Deschenes stated he had published the 1995 budget entrees in the newspapers as required. Thus far he has not received any written comments or phone calls. Therefore, Chuck recommend the Chair be authorized to sign the 1995 Budget Entrees.

Commissioner Arbaney made a motion to recommend the Chair be authorized to sign the 1995 Budget Entrees. Chairman Smith stepped down from the Chair to second the motion. Motion carried.

JAIL DISCUSSION

Sheriff Dalessandri, Dale Hancock, Don DeFord, Chuck Deschenes, and Al Maggard of the Jail Advisory Board were present for the jail report.

Jail Report

Total in jail 119; 45 in main jail; 17 in other jails; 2 Home Detention; no Day Reporting; 1 State Hospital; 6 DOC; 47 Work Release; 10 females. Tom stated this was a full house. He had sent the letter off to the courts due to the violations early in the week. The Department of Corrections reported having back-ups. Tom stated he had sent a friendly reminder letter to the DOC; and in addition Don had called DOC and they responded there was no where to put them as they did not have any beds available. Chairman Smith stated it needed to be on the record. Tom reported that Gilpin will take those assigned to DOC and transport them to DOC when bed space is available. The cost for 17 at \$50/day plus transportation equaled to between \$850 and \$1000 per day for each day delayed in building the jail. The 47 in Work Release is a real problem also. They are triple bunked in the rooms already.

Fire Report

Tom reported a lightening strike on Morrisana Mesa on Friday of last week. A helicopter was called in right away for slurry drops which cost \$5,000 each. Tom stated there was a meeting with BLM dealing with a pointed discussion on priorities. It's hard for BLM to understand small municipalities with budgets. Dale reported he has a meeting with the Judges on August 14 to discuss the Workender Program. This has the potential to alleviate some over crowding at work release.

Tom reported his staff is working the County Fair.

Al reported there is a State Board meeting in Colorado Springs the weekend of August 23rd - 25th. It is a Retreat to spend a day and night to review jail issues.

Tom reported he had received a Resignation from Marsha Cochran from the Jail Advisory Board. The Commissioners directed Chuck to hold off until someone shows an interest; and instructed him to draft a letter thanking her for serving on this Board for the Commissioner's signature.

Tom reported the Reserves Program has done a great deal. They were excellent support at the fire, and the "teenager kegger."

Defensive driving has been completed for all the drivers. Tom stated it was real good training.

Trauma Board

Moffat and Rio Blanco Counties have already appointed their members. There is a very set number of people and the Commissioners determine who is appointed to sit on the Board. Chairman Smith need to know who is required to be appointed. Dale announced the next meeting was set for August 22nd in Meeker at 10 A.M. and afterwards perhaps he can make more thoughtful suggestions to the Commissioners. Valley View Hospital wants to become a Level Three Trauma Center.

Vacation Channel

Dale requested authorization to proceed with negotiations and the Chair to sign a contract involving the Carbondale Colorado Rocky Mountain School site which included a sum of \$20,000 for 4 licenses and 4 translators (2,500 each) which will be moved to Breckenridge. The rule by the FCC states that if the Channels are silent for one year, then the licenses will be forfeited as of Feb. 7, 1997.

A motion was made by Commissioner Arbaney to authorize the Chair to sign a contract with Channel 20 for the one channel at 5 sites. Chairman Smith stepped down as Chair to second the motion; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Shirley Chavez came before the Commissioners regarding negotiating for oil and gas leases. She made an offer on behalf of Barrett Energy to pay \$35 an acre. Commissioner Arbaney stated they will not accept less than \$50 a acre in the Parachute area. Shirley agreed to pay \$50 an acre.

Commissioner Arbaney made motion to sign a lease with Barrett Energy for \$50 per acre as drafted in the lease. Chairman Smith stepped down as Chair to second the motion; carried.

COUNTY BUSINESS - BUILDING AND PLANNING REPORT

Promotion - Eric McCafferty

Mark Bean presented a request to promote Eric McCafferty into the Head Planner Position along with a \$350 per month salary increase. Mark stated a personnel action sheet will be submitted at which time the Commissioners will be requested to authorize the Chair to sign. Mark explained that he has funds within his budget to support this raise and promotion.

Personnel - External Attorney Counsel for Springridge and Greenwald Subdivisions

Don DeFord presented the potential of two subdivisions expected to submit applications on Four-mile. He stated that when these come before the Board, the Commissioners will need legal representation. The present schedule indicates they are coming before the Planning Commission in October. Therefore, the Commissioners will need to retain external counsel. Don stated that Carolyn Dahlgren, the newly hired Assistant County Attorney was not in a position to be requested to step in. Don proposed an amount to pay the retained counsel of approximately \$75/hr. estimated at \$5,000 total for the two subdivisions - Springridge and Greenwald. The question of an adequate source of water on Four-mile was projected to be the main issue. Walt Brown was suggested by the Commissioners since he has experience and knowledge of land use and also works on various issues with the municipal government at the City of Glenwood. The Commissioners requested Don to contact Walt and determine if there is any conflicts of interest, otherwise to proceed with the retainer.

Executive Session - Te Ke Ki and Aspen Crystal River Estates

A motion was made by Commissioner Arbaney to go into an Executive Session to discuss Te Ke Ki and Aspen Crystal River Estates issues. Chairman Smith stepped down from the Chair to second the motion. Motion carried.

Building and Planning

Mark Bean reported that the numbers indicate the Building Department is ahead of 1994 which was the record year. We are slightly behind in terms of residential, but when you look at all the numbers they indicate forward movement. All the market indicators show a slow down, but this is not so in Garfield County. A lot is attributed to Aspen Glen and Missouri Heights area.

Extension - Donald and Barbara Chaplan

Mark submitted a request for an extension of 120 days for Donald and Barbara Chaplan.

A motion was made by Commissioner Arbaney to authorize the Chair to sign an extension for Donald and Barbara Chaplan for 120 days. Chairman Smith stepped down as Chair to second the motion; carried.

Amended Plat - Aspen Glen

Mark presented an amended plat that the Commissioners had previously reviewed where they were basically changing the building envelope for Lot G-1, Filing No. 1, however it did not have all the appropriate signatures on the document. Now it does and Mark is submitting it for signature.

A motion was made by Commissioner Arbaney to authorize the Chair to sign the amended plat for Aspen Glen as presented. Chairman Smith stepped down as Chair to second the motion; carried.

EXTENSION

Carol McNeel reported the County Fair went good over the weekend. There were between 40-50 in attendance at the first year, first play with the Delinto players on Friday night. Chuck commented that he had received excellent reports on the stage and he directed the comments towards Ed Cooley who did the stage. Some considered it a first class valley wide asset. Carol stated she will meet with the Fairboard and obtain input into the overall report.

DEPARTMENT HEADS/TREASURER'S SEMI-ANNUAL REPORT

Georgia Chamberlain submitted the written Treasurer's semi-annual report.

Georgia was requesting approval for publication and acceptance of the semi-annual report. Commissioner Arbaney made a motion to accept the report and approve the publication in the newspaper. Chairman Smith stepped down as Chair to second the motion; carried.

CONSIDERATION RESOLUTION - OPEN FIRE ORDINANCE

Don DeFord, Sheriff Dalessandri, and Guy Meyer, Public Safety Coordinator were present. Don presented: Earlier an Ordinance was passed and Resolution No. 96-35 on July 15, 1996 set forth types and areas of fires restricted. He stated, the date of expiration is today and the Commissioners need to review and determine if the ban should remain in place. The fuel moisture is at 7 and 8 which is well below the 15 level. The fire hazard is greater than when the first restriction was imposed in July 1996.

Guy Meyer submitted a report just off the press to the Commissioners. He added that the weather forecast of hot and dry for this week will create an even greater hazard.

Guy and Sheriff Dalessandri recommended the fire ban remain in place. The current bans as listed in Resolution 96-35 were read into the record. Commissioner Arbaney made the recommendation that the fire ban be imposed for another 30 days and made a motion to that effect indicating that the Chair be authorized to sign the new Resolution 96-53. Chairman Smith stepped down as Chair to second the motion; carried. A new date was set on the Commissioners' Agenda for review and rehearing for September 9th at 10:30 A.M.

Communications

Jim Stevens reported on the remodeling of the Communication Center. Thus far he has had expenditures for a can of paint and was using inmate (work release) labor. The Commissioners stated they wanted him to wait until the Energy Impact Grant Funds were received prior to spending any large sums of money for the remodeling.

DON KAUFMAN - SIX LAZY K ROAD

Don Kaufman, Jim Stevens, and Jake Jacobson were present. Don Kaufman presented a handout that explained the lack of adequate addressing concerns.

Don Kaufman - 4665 County Road 311- stated the problem was that there was a huge black hole on the County Road 311 which involved approximately twenty (20) residences that live up this road all maintaining the same address of 4.57 miles distance from the road. He stated there was a definite handicap to firefighters and ambulance emergency services. This occurs on County Roads 311 and 331. Eight (8) days ago lightening stuck a tree on his parents ranch and Don was able to lead them to the fire. Minutes can mean the fire being put out or not.

At the Commissioners meeting held on May 6th the address dispute was addressed and some possible suggestions were thrown out such as naming the road and readdressing. This was presented to the Building and Planning Department.

Jake Jacobson of Building and Planning - clarified that County officials name the road and tentatively set the addresses that are assigned. He stated there was no statutory requirement or authority in the process. He stated that in the mid-70's, the utility and telephone companies asked them to address. The following process was discussed as one method to implement and follow in accomplishing this task: 1) establish a convention; such as was used on Black Diamond Road up Four-mile 2) send out a notice that within 30 days your address will be such and such and the reason; 3) notify utility companies and emergency services, UPS, overnight express mail companies; and 4) motor vehicle department.

Don DeFord - stated this is not a public road and nor is it a county road. He cautioned that it cannot be named except for certain purposes. Its a private easement therefore ordering other entities to use this name would be out of the jurisdiction of the Board of County Commissioners. This differs from subdivision

roads. If objections, the Board of County Commissioners cannot and do not have power. He suggested to have a sign made for the road stating "Private Road - For Emergency Purposes."

Jake - suggested, as far as an address, to ask people on the private road to identify landmarks and attempt to get a meaningful address.

Chairman Smith - stated she thought this would be a good way to start.

Don Kaufman stated he would work to develop a group to address this issue and to possibly adopt a resolution to create a private road and have it addressed.

Mark will send a letter out to all individuals to provide an opportunity for comments then send a letter out to emergency services and utility companies who are affected. This would at least give us some tracking of the situation.

Commissioner Arbaney made a motion for the County to recognize a road leading off of 331 Road as 4.575 establishing that road as Six Lazy K Road for County use only and also that the Planning Dept. begin using group of recommended suggestions that were presented. Chairman Smith stepped down as Chair to second the motion; carried.

DEPARTMENT OF SOCIAL SERVICES

A motion was made by Commissioner Arbaney to go into the Board of Social Services. Chairman Smith stepped down as Chair to second the motion; carried.

Commissioner Arbaney made a motion to come out of the Board of Social Services. Chairman Smith stepped down as Chair to second the motion; carried.

JAIL TOUR

A tour of the jail and overcrowded conditions was personally experienced by a walk-through of the entire County Jail which included: the main jail, work release, and the female unit.

ROAD AND BRIDGE DISCUSSION

King Lloyd gave the report.

Landfill

King stated he had spoken to Mike Mottice at BLM regarding the document regarding how to address the landowners' concerns. Also, a letter is to be forthcoming from the Department of Health regarding ground water requesting more information. They stated they are just about complete with the environmental assessment.

Addressing - County Road 331

Chuck informed King of the discussion regarding the addressing system on Six Lazy K Road and possibly doing colored signs stating it was a private road. Mark is still working on the system so King would be informed as developments occurred.

County Road 317

A discussion regarding cattle grazing on the side of the road which were subject to the timber plan and crossing the road as well off of County Road 320. The landowners went to the Grazing Board requesting cattle guards be installed. They suggested splitting the cost with BLM's share at \$2,500 and the County contributing \$2000 toward the cost of the \$8,000 - \$10,000 to install. Commissioner Mackley stated he was concerned due to the volume of traffic on this road and did attend and spoke to the Grazing Board but did not commit to cattle guards, however, he did suggest warning signs. Don stated they may have some monetary liability if the cattle create an accident. Some other suggestions included having King put up flags as warning signs to alert motorists.

Road Maintenance Request - Mesa Ridge Townhome Association

King presented a letter from the Mesa Ridge Townhome Association in Battlement Mesa claiming there was fugitive dust and wanted an oil application. They requested a response.

King stated he planned to write the Association and submit a cost estimate and inquire if they would participate in the mag chloride program.

Underground Storage Tanks in Rifle

Chuck brought forth a discussion on the underground storage tanks in Rifle which were moved approximately two years ago. What happened was a parting with the contractor however, the storage tanks were removed and the County did deal with eliminating a potential source of contaminants. The State is requesting more work to be done. Chuck suggested having someone define a scope of work and go out with an RFP. He estimated it would take longer than 60 days however. Chuck wanted an agreement on a course of action to follow.

Chairman Smith suggested Chuck define the problem and write a letter to the State stating there was a falling out with the contractor and some of the information has been submitted and request a detailed status report of what exactly has to be repaired. The Commissioners also suggested the City of Rifle should get involved.

Contract Change Order

King introduced Dave from Harry's Heavy Haulers and submitted some contract change orders for chip seal coat for the Board to consider. Change Order 001 is to add chip seal on County Road 127 up 3 mile due to some runoff repairs that needed to be made. This adds \$1,133.32 to the contract.

A motion was made by Commissioner Arbaney to authorize the Chair to sign Change Order 001 for chip seal on County Road 127. Chairman Smith stepped down from the Chair to second the motion; carried. Change Order 002 is for reduction of contract due to inaccurate measurements originally done in the office. When the field work was done it turned out that the road was actually shorter than what was originally proposed. County Road 101 - the length of that road needs to be shortened .3 of a mile reducing the contract by \$6,195.00; the second one is for County Road 226 shortened by .52 of a mile reducing the contract by \$7,115.00 for a total reduction of \$13,310.00 with a new contract total to be \$373,703.90. Commissioner Arbaney made a motion to authorize the Chair to sign Change Order 002 as stated above. Chairman Smith stepped down from the Chair to second the motion; carried.

Change Order 003 initiated by Harry's Heavy Haulers, who has the chip seal contract, is a request for an addition to the contract - the first item is Bid Item No. 3 which is seal coat of #8 rock to add 30,507 S.Y. @ .83c P/S.Y according to the unit prices in the contract to make a change of \$25,320.81; the second item is bid Item No. 5, Fog Seal, to add 30,507 S.Y. @ .11c P/S.Y. to the contract at the unit price agreed in the contract which adds \$3,355.77 for a total of \$28,676.58 making the new contract total of \$402,380.48. Commissioner Arbaney commented that there was a need to tighten up the bid documents.

King stated this was work for Battlement Mesa for four lanes, two miles of road, 26 feet wide and Harry's bid only reflected one-half of that road. So Harry's interpretation was that it was 2 miles, 26 feet wide. King visited with Don DeFord regarding this change and Don stated a need for documentation to prove that Harry's Heavy Haulers would still be the low bidder with this change. King submitted the bid sheets from both previous bidders and stated it would appear that Harry's would be the low bidder even with the addition to the contract.

Commissioner Arbaney commented that there was a need to tighten up the bid documents.

King submitted the documentation of the original bids.

Dave from Harry's Heavy Haulers commented that this would not be the first year that there has been a dispute between contractors and the Road and Bridge Department with respect to the actual quantities the County has requested to be performed within the scope of the contract. There is one customary standard as a way of eliminating any ambiguity with the specifications. That is to, in the event the County requests a unit price, the County likewise specifies the number of units within the scope of the job.

Commissioner Arbaney made a motion to authorize the Chair to sign the Change Order 003 to increase the total bid to \$402,380.48. Chairman Smith stepped down as Chair to second the motion; carried.

King commented that he would get with Don before next year and make some changes to eradicate bid misinterpretations.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Resolution No. 96-63 - Jackson

Sam Phelps and Sody Soderberg presented a question on a survey that was granted in 1977 and also in 1980. Resolution No. 77-105 and 80-52.

A motion was made by Commissioner Arbaney to approve a Resolution concerned with amending Resolution No. 96-059 (Jackson) regarding a scrivener's error. Chairman Smith stepped down from the Chair to second the motion; carried.

PUBLIC MEETING: SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 2 MILES NORTH OF NEW CASTLE ON CR 245; APPLICANT: BRENDA SLAPPEY

Eric McCafferty, Don DeFord, Brenda and James H. Slappey were present. Don determined that adequate notification was timely and properly given and instructed the Commissioners to proceed.

Eric presented this was an exemption from the definition of subdivision on a 12.1 acre tract of land located approximately two (2) miles north of New Castle, on the west side of County Road 245.

Recommendation:

Consistent with this analysis and the on-site investigation conducted August 1, 1996, staff is of the opinion that this request does not conform with either Section 8:10 (Applicability) or Section 8:52 (A) of the Subdivision Regulations and recommends DENIAL of the application.

James H. Slappey - stated he considered there to be an error in the staff report. There are two different gulleys. He took detailed measurements of this to give the Board an idea as to what is actually in place there and the gully at a distance is 16 feet inside the fence on the County right-of-way on County 245 Road and the length is 66' wide x 6'7" feet in depth. The other measurement was 116' from the right-of-way and at that point it is 52' wide and 4'8" in depth. At a point 216' it is 40' wide and 2'10" deep and at a point of 416' it is 22'10" wide and 2' deep and at that point it tapers into Elk Creek bed. As far as joint use is concerned, it is a matter of interpretation as to whether you consider that joint use is possible, there certainly is no joint vehicular use without going out and around and taking the County Road and coming down the existing lane into the cabin.

Chairman Smith - What you are really asking then is to take the 12.1 acres and have a single family on one tract and the guest house on another.

James Slappey - stated they did not contemplate any additional improvements to either parcel, however at some point and time he may construct a shop and a detached garage to the main dwelling.

Mary Jackson - 25 Linda Lane, Grand Junction - stated she retained 1/2 of the mineral rights of 160 acres and she was not in favor of the tract being subdivided. She commented that it would take away from the gas drilling going on and they feel they should be compensated. Any building on the property will take it away.

Loris I. Jackson - commented that he was not in favor of this tract being subdivided. He commented that it would take away from any gas drilling going on and they feel they should be compensated.

Commissioner Arbaney - is in agreement with staff on their decision to deny. The gully does not qualify for a natural split.

Commissioner Arbaney made a motion to deny the request.

Chairman Smith stepped down as Chair and seconded the motion; carried.

James - can they file for a subdivision.

Commissioner Arbaney stated yes they could.

Consideration of Appointment - Special Council Greenwald & Springridge

Don DeFord reported that he had discussed the appointment of special counsel with Walt Brown and he will serve in that capacity for the Commissioners. Walt will plan to come to the Board meeting on Monday, August 19th under the discussion at 4:00 p.m. for Ballot initiative.

PUBLIC MEETING: SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 3.5 MILES NORTHEAST OF CARBONDALE ON CR. 103; APPLICANT: PATRICK HEALY

Patrick Healey, Mr. Boise, Mark Bean and Don DeFord were present.

Don determined that adequate notice to all five property and mineral rights owners was timely and in order and directed the Commissioners to proceed.

Mark presented: This is an exemption from the definition of subdivision on a 8.3 acre tract of land 3.5 miles northeast of Carbondale, off of County Road 103 just west of the CR 100 and CR 103 intersection. Mark stated for the record that there was a letter from the Rimledge Homeowners Association addressing concerns about the impact to wildlife, water and open space in the area.

Mario Strobl - of the Rimledge Homeowners Association stated they were not in favor of this exemption being granted. The road will be along his property line, especially a problem as it will be a dirt road. He also stated there will be utility lines strung all along the road. It will create problems and trouble with his irrigating his land.

Chairman Smith - Inquired as to the present utility lines.

Mr. Strobl stated they were located on both Mr. Healey's and his property at the present time.

Michelle Strobl - stated a structure built on this tract would obstruct their view of Mount Sopris.

Mr. Strobl - inquired if a test well had been dug to determine adequate water on the tract.

Paul Bisone - Resource Engineer for Patrick Healey spoke to the fact that a test well has not yet been drilled.

Recommendations:

Approval subject to the following conditions of approval.

All representations of the applicant shall be considered conditions of approval unless otherwise stated by the applicant.

The applicant shall have 120 days to complete the required conditions of approval. Extensions of 120 days may be granted by the Board for a period of up to one (1) year.

The applicant shall submit \$200 in School Impact Fees, prior to the signing of an exemption plat.

A final exemption plat will be submitted, indicating the legal description of the property, dimension and area of all proposed lots or separate interests to be created, access to a public right-of-way, and any proposed easements for drainage, irritations, access and utilities and the following plat note:
"All new construction shall be consistent with Colorado State Forest Service wildfire prevention guidelines specified in the pamphlet "Wildfire Protection Wildland Urban Interface" (C.S.F.S. #143-691)"

If necessary, a driveway permit shall be obtained by the Road and Bridge Department prior to signing of a final plat.

Control of noxious weeds in the responsibility of the property owner.

Prior to approval of a plat, the applicant meet the following criteria for demonstrating the quality, quantity and dependability of the well proposed for the new lot:
drilled and a 4 hour pump test shall be performed;
supply, to the Planning Department, the well completion report
depth of the well, the characteristics of the aquifer and the static water level;

The results of the 4 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department.

4) A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

A motion was made by Commissioner Arbaney to approve an exemption from the definition of subdivision for Patrick Healy on a parcel of 8.3 acre tract subject to all major issues and concerns, suggested findings and recommendations by the staff including underground utilities and with the change of No. 6 as a plat note. Chairman Smith stepped down from the Chair to second the motion. Motion carried.

PUBLIC HEARING: PRELIMINARY PLAN FOR LOS AMIGOS RANCH P.U.D., FILINGS 5 AND 2a, LOCATED APPROXIMATELY 3 MILES SOUTH OF GLENWOOD SPRINGS ON CR 114

Larry Green, Greg Bocker, Don DeFord, Mark Bean, and Bob Delaney were present. Don determined that adequate and timely notice was in order and directed the Commissioners they were entitled to proceed. Mark Bean presented: This is a preliminary plan for the Los Amigos PUD Filing 5 - 199.47 ac. and 2A - 27.03 ac. In addition to the staff comments, Mark added for the record that there had been verbal conversation with the Department of Health who stated they may change their recommendation on Filing 2A but in terms of that recommendation the one in the staff comment is in place for the time being and will be until something is received in writing.

Exhibit A - Proof of notification and publication; Exhibit B - Returned receipts; Exhibit C - Application; Exhibit D - Project and staff report; Exhibit E - letter from the State Engineer; Exhibit F - E-Mail from Duane Watson dated 7/3/96; Exhibit G - Letter from the Roaring Fork School RE-1; Exhibit H - Letter from the Division of Wildlife; Exhibit I - Letter from the Carbondale Rural Fire Protection; Exhibit J - Letter from the Bureau of Land Management; Exhibit K - Colorado Geological Survey dated 7/18/96; Exhibit L - Letter from Exhibit M - Letter from property owner Terry Eubank; and Exhibit N - Letter from Lee Leavenworth.

The proposed subdivision includes two separate filings of the approved Los Amigos PUD. Filing 2A includes a 4.76 acre residential lot and 22.27 acre of open space. The residential lot will be accessed via an existing 30' wide access and utility easement provided as a part of the Filing 2 final plat. The lot will be served by the central water supply system for the subdivision and utilize an individual sewage disposal system.

Filing 5 is a new section of the PUD, not previously subject to any subdivision review. There are 38 single family lots ranging in size 1.59 acre to 2.96 acre, along with a 13.0 acre school site and 104.58 acre of open space. All lots in this filing will be served by the central water system serving the rest of the development, that will be upgraded by the addition of a 200,000 gallon storage tank. The Spring Valley Sanitation District will serve the sewage disposal needs of the development. Access to the area will be from a private road, Los Amigos Drive, and then along an approximately 349 ft. long cul-de-sac. The new road has another 375 ft. long cul-de-sac that provides access to seven lots.

Larry Green - submitted two preliminary plats of the one lot in Filing 2A contained in the application and the Filing 5 preliminary plat. There were in color for clarification in the discussion for spatial relationships. The Department of Health has made a recommendation that Filing 2A be hooked up to the Spring Valley Sanitation District Sewer Facilities. When Mr. Watson made that recommendation, Larry stated he believed Mr. Watson was operating under the assumption that these adjacent lots in the already platted areas were hooked up to central sewer. This is incorrect. The central sewer is some 200' above Lot 2A and over 2200' away. Larry stated that since they were at the Planning Commission and pointing this out, Dean Gordon has had oral discussions with Mr. Watson and also Mark. Dean has written Mr. Watson two letters trying to explain the situation and the relative location of the properties, unfortunately for Larry and the Partnership, Mr. Watson has been on vacation until today and had no opportunity to look at the clarification letters. Therefore, Mr. Watson may very well change his recommendation.

Don stated the Statute provides that you cannot approve a Subdivision without a favorable recommendation from the Department of Health, however, given the representation this could be handled as a condition of approval in regards to Filing 2 A in regard to the sewage treatment facility.

Mark stated this was covered in Condition No. 8.

Larry stated he also wanted to bring up another issue, that being the roads. Exhibit L - the July 8, 1996 letter from the Fire District addresses some of the issues or all of the issues raised in paragraph No. 3 regarding the recommendations of the Fire Districts review and approval of the interior road design. In the staff report there was an issue raised about the level of construction to which the road would be improved and the applicant agrees with that recommendation and will construct a road to the appropriate road standards. To clarify what that means, Larry stated they had originally miscalculated the applicable road standards. When they first did this Larry stated they first thought it would be the first six lots in Los Amigos drive that would require minor collector's standards, but after looking more closely at the road standards, it was determined that it was fewer than forty lots. When you look at what is going to happen in the approved sketch plan, as you go to the east and build the road, it's at that point that you impose the minor collector's standards of that level of the road. So, the applicant has agreed to name the road something other than Pinion Cedar. It is now identified as Road A and will be built to the minor collector's standards up to the intersection with the road that goes off to the east in the future phase. This is consistent with the Planning and Zoning's recommendations and then the private drive D that accesses either two to

five lots depending upon whether or not these initial lots access off the road or driveway. Again, it will be build to the proper standards down to the point where it will only serve two lots or less which meets the primitive road standards. This addresses the road concerns.

Larry - in recommendation No. 5 with respect to the left hand turn lane, he reported that progress had been made with CMC and it appears there is a deal and all that is lacking is having it down on paper. Larry projected this should be accomplished within the next few weeks and all the necessary right-of-ways dedicated and conveyed so that the County has a dedicated right-of-way for County Road 114, as constructed through this area, and an appropriate right to a roadway and a right to build the left hand turn pocket meeting the deadline of September 1997 without any problem at this point.

The final major issue involves the turn over of the water system to the Homeowner's Association. The PUD zoning amendment that was done earlier this year provides the condition that at the time of this preliminary plat, we provide the County with a mechanism for how that water system will be turned over to the Homeowner's Association. Lee Leavenworth, because of his familiarity, has drafted a proposed agreement which has been given to Don.

Lee Leavenworth - representing the Los Amigos Ranch Partnership on water rights matters as well as the Red Canyon Water Company which owns and operates the water facilities that exist today. There is an agreement that he has drafted for the necessary water rights and facilities to the Homeowner's Association at no cost, free and clear with no liens and incumbrances. The water rights that will be transferred are the water rights necessary to serve the PUD. However, if they were to reach some sort of an impasse and the homeowners did not want these water rights, Lee stated, "in his reading of the homeowners' association documents he interprets that they cannot force them to own and operate the facilities if they refuse to sign."

Larry stated he concurred with Lee's opinion that the developer doesn't have the ability to impose this on the homeowners. Greg has stated he has met with the homeowners and outlined this entire concept and the initial reaction was somewhat negative but that could come from not knowing all the facts as anything else. Through an education process and explaining what is happening, he felt they could get the homeowners to approve of this concept. If that isn't forthcoming and having the time between now and final plat to do this, he believes there are other mechanisms that could be created such as another not for profit corporation.

This would consist of owners of newly plotted lots and not the existing lots. The terms and conditions of the newly platted subdivision would be that the new corporation would receive the water facility and then that the new company would have the obligation to serve the existing lot owners the same as Red Mountain Water Company does now. If this should occur, the existing lot owners would have the right to join in the new company as an member or a customer. Riverbend recently enacted this option. However, Larry was requesting this to be part of the record and that it be a mechanism and the board adopt as a condition that prior to final plat, this agreement or some analogous agreement stating the homeowners have the ability or right to control the water system to be put into place and that Don concur with this.

Don DeFord - commented that, given the number of units that you incur as a water district, is a special water district out of the question?

Lee - it isn't but primarily the purpose for forming a water district is for bonding purposes. The future facility will be paid by the developer that are necessary to serve each additional filing. Laying another governmental entity on top of this is really necessary or appropriate as we already have the Spring Valley Sanitation District.

Don - what would be your position, if this came before the Board at final plat and the Board did not like the structure, how would you anticipate this being handled?

Lee - if the homeowners do not want to take this over, what Don is asking is essentially for a new association for every filing from here on out. And they would also be required to offer services at the existing time of filing. Unless that concept as outlined is objectionable today, he doesn't see that the contingency Don proposed would come about.

Don - stated this is something that should be explored with the Board as this alternative has been the subject of previous consideration in Riverbend under this same type of structure. The concern Don has is for the homeowners who live in the subdivision as it is developed to control their own water and sewer systems, if that's appropriate. They've used special districts, non-profit corporations, and homeowners association to accomplish this and as long the Board is all right with any of these mechanisms that's fine, but Don is trying to avoid having to go through this process again.

Don Wildon - 1106 Parkwood Lane # 25 - a current homeowner. It surprised them to find out that the Commissioners had said the homeowners had to take over the water company. It was a real shock because no one is prepared for this. There is less than a dozens homes under contract. For them to take over a

water company that is going to be handling upwards of 200-300 homes is a big undertaking. Just in listening to the discussions here he thinks it would make a lot more sense to wait until the build-out of the whole system and then put that on all the homeowners. You have a lot more people and they would be aware of this then. He stated he understands and has been told the reasons that the Board wants them to have ownership. This is in case the developer just ups and leaves, but it is still constantly being developed and the fear of the developer up and leaving does not seem to be reality. An adequate amount of time to do this is very important.

Don - first of all in terms of a surprise, this has been an issue for many years and the terms of this specific application process. It's been an issue at both the PUD hearings as well as the preliminary plans, but there are mechanisms to transfer both the water rights and the water system incrementally and that's one of the things that needs to be discussed as part of this agreement. This might be asking the homeowners' association a lot, but this water system does not exist right now. There is not a water system that will serve this entire subdivision that's in place right now. The actual responsibility is not put to the homeowners' association, in fact the problem has come about and we've had subdivisions in this county where this occurred where the homeowners do not control the water and sewer that service their residences where conflicts arise between the developers desire and the newly existing homeowners. Therefore, this is not just a hypothetical problem.

Mark - added this doesn't preclude you from entering into an agreement with the existing operator, Red Canyon Water Company, to have them continue to operate, where basically you operate with them such as an annual contract. You merely have paper control over it right now. You give the homeowners the control over the cost, expenditures of the system, if they have questions about it or a private company can go into the issues when they come about. This is to give the homeowners a say in the way as well as the costs associated with incurring and operating the system.

Don Wildon - the biggest issue the other day was that if this doesn't occur by the end of this year. So it's like they said, give us to June of 1997 in order that we have enough time to find out what's going on and understand how to do it. To try and do this in the next two or three months is asking too much.

Larry stated the way the agreement is set up, it would be executed by all parties prior to the time the final plat is approved but it wouldn't actually be implemented until some time in the future when all parties have the opportunity to adjust to their new roles are going to be.

Don - this needs to be something the County can enforce prior to the approval of a final plat to ensure that it happened in a timely manner.

Recommendation

The Planning Commission recommended APPROVAL of the Los Amigos PUD Filing 5 and 2A, subject to the following conditions:

All representations of the applicant, either within the application or stated at the public hearings before the Planning Commission shall be considered conditions of approval unless otherwise stated by the Planning Commissioner.

The water rights and systems facilities shall be transferred from the developer to the Homeowner's Association. A proposed agreement for the transfer shall be submitted to the County Attorney prior to the approval of Preliminary Plat by the Board of County Commissioners.

The applicant shall provide documentation from the Carbondale and Rural Fire Protection District approving the interior road design and fire protection plan prior to the approval of the Preliminary Plan. Prior to the approval of a Final Plat, the applicant will submit \$235 per lot to the Fire District and provide written proof of payment.

All roads including the proposed cul-de-sac for Drive D, shall be designed and constructed in accordance with minimum County standards. Each road shall be assigned a name unique to the County.

Applicant shall construct, consistent with Board of County Commissioner Resolution No. 92-091, as amended, a northbound left-hand turn lane at the intersection of County Road 114 and Los Amigos Drive, which is the main entry road into Los Amigos Ranch PUD. As further conditions under this commitment, Applicant shall:

- (A) Obtain all required approvals from the County to vacate and relocate those portions of the County Road 114 right of way necessary for construction of the above left-hand turn lane, which approvals will not be unreasonably withheld by the County.
- (B) Complete construction of the above referenced left-turn lane shall be completed by 9/1/97 or within the next construction season

following competition of legal proceedings and entry of final orders granting title to the County or Applicant for the subject right-of-way above referenced.

At the time of each Final Plat approval, a fee shall be paid to the County in such an amount as shall be established by the Board pursuant to a road impact analysis to be accepted by the County at the time of each Preliminary Plan approval. Such fee shall be assessed as a per unit road impact fee based upon the estimated cost of two lane improvements to County Road 114 from its intersection with the highway frontage road adjacent to Highway 82 too its intersection with the entry road to Auburn Ridge housing project. The road impact analysis accepted by the County above, as the same may be from time to time modified to reflect current costs, shall be incorporated into all future analysis used by the County in quantifying road impact fees in the County Road 114 corridors. Payment of said road impact fees, shall be expressly conditioned upon the assessment by the County , at the time of Final Plat, of proportionately equal road impact fees upon all subsequently developed properties accessed in whole or part by County Road 114.

Include the following plat notes on any final plat:

- (A) Prior to the issuance of a building permit, the owner of each lot shall prepare and submit a soils and foundation report, a grading and drainage plan, and a geological acceptable building site prepared and certified by a professional engineer. All improvements shall be constructed in accordance with such engineering recommendations, which shall be a condition of Los Amigos Ranch Architectural Control Committee approval and the building permit.
- (B) The owner of each lot utilizing an individual sewage disposal system (ISDS) shall obtain site specific percolation tests to determine whether a standard septic system is acceptable or an engineered system is appropriate or required. Each ISDS shall be designed to minimize tree removal and changes to the natural contours of the land.
- (C) The recommendations of the Colorado State Forester and the Fire Chief as set forth in the Supplemental Declarations dated September 18, 1992 et seq. shall be followed in the construction of all structures.
- (D) All lots designated to lie within the Spring Valley Sanitation District shall obtain central sewer service pursuant to agreement with the District.
- (E) Open Hearth solid-fuel burning fireplaces are not allowed.
- (F) Each dwelling unit is allowed one dog.

That the applicant establish the method of sewage disposal for Filing 2A that will receive favorable review from the Colorado Department of Health, prior to Final Plat approval.

That the Final Plat submittal include a copy of a computer disc of the plat data formatted for use on the County Assessor's CAD system.

That the portion of the Open Space created as Filing 5 include separate lots for conveyance to the owners of the Multi-family lots, of which all 10 acres would be deed restricted for use only as open space.

Staff recommends the following conditions be added as a condition of approval:

That the recording fees for the final plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of a Final Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.

Commissioner Arbaney made a motion to close the Public Hearing. Chairman Smith stepped down as Chair to second the motion. Carried.

Commissioner Arbaney made a motion to approve Los Amigos PUD Filing 5 and 2A as described in the staff packet with all major issues and concerns, suggested findings, and recommendations including the following changes, additions, and corrections: Filing No. 5 - and 2A Condition No. 2 to read: "The water rights and system facilities shall be transferred from the developer to the Homeowner's Association or some other entity that the home owners association has control and it is approved by the Board of County Commissioners. A proposed agreement for the transfer shall be submitted to the County Attorney prior to the approval of a Final Plat subsequently approved by the Board of County Commissioners at Final Plat"; Filing No. 5 Plat add note #7 G - "Noxious weeds are the responsibility of the property owner." Filing No. 5 - Condition No. 5 to read: "Applicant shall construct, consistent with Board of County Commissioners Resolution No. 92-091, as amended, a northbound left-hand turn lane at the intersection of County Road 114 and Los Amigos Drive, which is the main entry road into Los Amigos Ranch PUD. As further conditions under this commitment, Applicant shall: (a) Obtain all required approvals from the

County to vacate and relocate those portions of the County Road 114 right-of-way necessary for construction of the above left-hand turn lane, which approvals will not be unreasonably withheld by the County. (b) Complete construction of the above referenced left-turn lane shall be completed by 9/1/97 or within the next construction season following completion of legal proceedings and entry of final orders granting title to the County or Applicant for the subject right-of-way above referenced." Filings 5 and 2A - Condition No. 6 to read - "a fee shall be paid to the County in such an amount equal to \$200.00 per dwelling unit, based on an analysis done by Dean Gordon, Schmueser Gordon Meyer, Inc. in a report submitted to the Board of County Commissioners, dated April 30, 1996;" and Condition No. 9 in Filing 2A - "All recommendations of the Carbondale Fire District in a letter dated 7/8/96, shall be considered conditions of approval."

Chairman Smith stepped down as Chair to second the motion; carried.

PUBLIC HEARING - PRELIMINARY PLAN FOR THE RAPIDS ON THE COLORADO SUBDIVISION LOCATED APPROXIMATELY 1 MILE SOUTHWEST OF NEW CASTLE, ALONG COUNTY ROAD 335; APPLICANT: GENE HILTON

Mark Bean announced that this Public Hearing had been canceled and would be rescheduled sometime possibly in October.

PUBLIC HEARING: PRELIMINARY PLAN FOR THE SUNRISE MEADOWS SUBDIVISION, LOCATED APPROXIMATELY 1 MILE NORTHEAST OF RIFLE ON CR 293; APPLICANTS: PAR DEVELOPMENT

Jerome Gamba of Gamba and Associates; Loren Lutz, principal of Par Development; Mark Bean; and Don DeFord were present. Don determined that adequate and proper notification had been given and instructed the Commissioners they were entitled to proceed.

Mark submitted the following exhibits: Exhibit A - Proof of Notification; B - Returned Receipts; Exhibit C - Application and all attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - letter from Public Service; Exhibit F - Memorandum from King Lloyd of Garfield County Road and Bridge; Exhibit G - letter from the Division of Wildlife; Exhibit H - letter from the State Engineer; Exhibit I - letter from Jerry Bower on behalf of the property owners; and Exhibit J - a letter to Mike Gamba from the City of Rifle. Chairman Smith admitted Exhibits A - J into the record.

Mark presented: This is a request for Sunrise Meadows Subdivision, Phase I, Preliminary Plan for Par Development, L.L.C. for a 36.14 acre tract of land located approximately one (1) mile northeast of Rifle. The applicant proposes to subdivide the parent tract into a total of four (4) parcels with tract one being approximately 29.0 acres in size. The proposal specifies development for Lots 1, 2, and 3 and Tract 1, with net residential density of 8.87 acres.

As a caution, staff notes that the applicants have indicated that they will eventually annex the property to the city of Rifle and develop it further under the City's regulations. While it is not required for this subdivision, it is suggested that the applicant make sure that the right-of-way proposed will meet the City's road standards for any future development.

Recommendation:

On July 10, 1996, the Planning Commission recommended APPROVAL of the proposed subdivision, with the following conditions of approval.

All representations of the applicant, either within the application or stated at the public hearing with the Planning Commission, be considered conditions of approval.

The applicants shall establish a Homeowners Association and shall be incorporated in accordance with the requirements of Colorado Revised Statutes. The Homeowner's Association shall be responsible for the road maintenance and snow removal. The articles of incorporation and restrictive covenants shall be reviewed by County Staff prior to the approval of a Final Plat.

The applicants shall prepare and submit a Subdivision Improvements Agreement, addressing all improvements prior to the approval of a final plat.

The applicants shall submit improvement plans for all road, drainage and utility improvements prior to the approval of a final plat. Also included in the submittal will be a copy signed Contract to Provide Services with the City of Rifle.

The applicants shall pay \$200 per lot in school impact fees prior to approval of the final plat.

All roadways shall at a minimum be designed and constructed in conformance with design standards set forth in the Subdivision Regulations and in place at the time of final plat.

That the following plat notes be included on the final plat:

residential construction will be consistent with the Colorado State Forest (CSFS) recommendations for construction of homes contained in the publications "Wildfire Protection in the Wildland/Urban Interface" and Regulations for Protecting People and Homes in Subdivisions and Developments."

1. All
Service
CSFS
"Model

2. Soil Conservation Service information notes possible limitations for residential construction in this area, which may result in the need for an engineered design of the foundation for a residential structure.

3. Open hearth solid-fuel burning fireplaces are not allowed.

4. Each dwelling unit is allowed one dog.

8. That the Final Plat include an easement on the west side of Tract 1 that is only for access to the existing house or Lot A for agricultural equipment and that a driveway permit for the new road be obtained from the Road and Bridge Department prior to the submittal of a plat and a copy of the permit be included in the Final Plat submittal.

Those who spoke to issues of concern included:

Lorie Raffensperger of 429 East 7th Street, Rifle had a question - are these going to be single family dwellings only? alluding to whether or not a guest house could be built.

Mark answered they did not have the acreage to allow for a guest house or what is termed an accessory dwelling under the zoning.

Chairman Smith stated however, if they annex into the City what they will allow.. . . .??

The following changes and additions were discussed: Add plat note no. 5 - "Noxious weeds are the responsibility of the property owner." Amendment to Condition No. 8 to include - "That the prescriptive right-of-way maintained by the County, be dedicated to the County." Condition No. 9 - "That the recording fees for the final plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of a Final Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department;" and Condition No. 10 - "That the Final Plat submittal include a copy of a computer disc of the plat data formatted for use on the County Assessor's CAD System."

A motion was made by Commissioner Arbaney to close the public hearing. Chairman Smith stepped down as Chair to second the motion. Carried.

A motion was made by Commissioner Arbaney to grant approval for Sunrise Meadows Subdivision, Phase I, Preliminary Plan for Par Development, LLC. for a 36.14 acre as described in the Project Information and Staff Packet with all major issues and concerns, suggested findings, and recommendations including the additions as outlined above for the record. Chairman Smith stepped down from the Chair to second the motion; carried.

RENEWAL LIQUOR LICENSE - CUBBY HOLE CAFE

Mildred Alsdorf presented a renewal hotel and restaurant liquor license to serve malt, vinous, and spirituous liquor for the Rotella Trading CO, Inc. dba Cubby Hole Cafe in Parachute, Colorado. She stated she had not received any comments regarding the renewal.

A motion was made by Commissioner Arbaney to approve the renewal liquor license as presented. Chairman Smith stepped down from the Chair to second the motion; carried.

Executive Session - Norm Brown, Relay Cala de Vida, Consent Decree, and Rifle Correctional Facility

A motion was made by Commissioner Arbaney to go into Executive Session to discuss litigation issues. Chairman Smith stepped down from the Chair to second the motion; carried.

A motion was made by Commissioner Arbaney to come out of Executive Session. Chairman Smith stepped down from the Chair to second the motion; carried.

PUBLIC HEARING ABATEMENTS: SABRE FENCING CORPORATION, CHRIS AND DONNA HOFFMAN, DELFINO AND MARIA GONZALES, WARREN WIMMER, WILLIAM H. III AND BETTIE J. JUNE

Mildred Alsdorf presented the following abatements for action by the Board.

Warren Wimmer - an abatement of 1994 taxes for \$48.61 on a mobile home moved to the dump.

William H. III, and Bettie J. June for an abatement of 1994 taxes for \$27.29 on a mobile home moved to the dump.

Delfino and Maria Gonzales for an abatement of 1994 taxes for \$34.38 on a mobile home moved to the dump.

Chris and Donna Hoffman for an abatement of 1994 taxes for \$3.41 on a mobile home no longer located in Garfield County.

Sabre Fencing Corporation for an abatement of taxes for 1994 and 1995 on a mobile home moved in April 1990 for \$31.38.

A motion was made by Commissioner Arbaney to approve these abatements. Chairman Smith stepped down from the Chair to second the motion; carried.

Adjournment

Attest:

Chairman of the Board

AUGUST 19, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 19, 1996 with Chairman Marian Smith and Commissioner Elmer (Buckey) Arbaney present. Also present were: County Administrator, Chuck Deschenes and County Clerk and Recorder, Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

Commissioner Arnold Mackley was reported as recovering. He is available if there is a controversial issues of which he needs to vote and will be available for a telephone conference during the Sales Tax Ballot Question today at 4:00 P.M.

COUNTY ADMINISTRATOR

Chuck Deschenes presented his report and the bills for the second run for July.

The Commissioners reviewed the bills.

A motion was made by Commissioner Arbaney to authorize the approval of the bills submitted August 15, 1996 for second run for July. Chairman Smith stepped down as Chair to second the motion. Carried.

GO CO

Extension of Energy Impact Grant in connection with the Roaring Fork Holding Association regarding the Railroad Right-of-Way was presented by Chris Lane and Tom Newland from Pitkin County Tom Newland who stated that on August 31, 1996, the Energy Assistance Grant expires. There is a meeting with Dave Steele on September 3, 1996 at which time they projected this date when they believe an agreement will be reached. Therefore, the assistance grant needs to be extended and they requested a 60 to 90 day extension. Chairman Smith suggested they could write a letter informing them of Garfield County's position. Chuck stated when negotiating with the Railroad, you never know how long it will take. Chairman Smith suggested to extend the grant until October 31, 1996 and if it is not completed by then, it may never get done. She suggested to ask the Railroad if it hasn't happened, to ask if the Railroad would consider being a partner in this venture.

Letter from Sunlight

Don DeFord presented and suggested this needed to go to Abatement since the Board of Equalization has expired. This issue will be referred to Steve Rippey. Don stated he will ask Steve to send a response for the Board.

JAIL DISCUSSION

Sheriff Tom Delassandri, Don DeFord, Chuck Deschenes, Operations Dale Hancock, and Jail Advisory Board Dave Sturges were present.

Jail Count

Total in jail - 113. 50 in main jail; 40 Work Release; 6 females; 12 other jails; 3 Home Detention; no Day Reporting; 1 State Hospital; 7 DOC. The DOC's have all been held over a month due to the lack of bed space in the prison system which places Garfield County in a holding position.

Tom stated the 50 inmates in the main jail indicates behavior problems and he is unable to move them into work release.

Tom reported the meeting held with the Judges on last Wednesday gained support for the Weekender Program. The Judges are still supportive of the Electronic Home Monitoring as well. As for sentences for one year or more Tom indicated the strain was too much and in regard to the scope of services some of the inmates should go to DOC. He stated it was real important that the Judges hear these comments. The inmates who are sentenced to a one year sentence are generally the ones that have substance problems. Tom said at the present time there are two suicide watches.

Personnel Action Sheets

Due to two staff people out for surgery, Jim hired two part-time people. These are classified as part-time temporary.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Bill Zilm presented an amended plat for signature with regard to a lot line adjustment on a bike trail down Four-Mile. Don stated he did not have any problem with the Commissioners signing off on the final plat, however he did suggest that Mark be aware of this action. Mark verified the Commissioners had previously approved the amendment.

A motion was made to authorize the Chair to sign an amended plat for a bike trail down Four Mile. Chairman Smith stepped down as Chair to second the motion; carried.

COUNTY BUSINESS

Don DeFord, Mary Lynn Stevens and Chuck Deschenes were present.

Award of Bid for Computer Systems for the County Attorney's office.

Don stated Mary Lynn had prepared a memorandum regarding the proposed new computer system. Bids had been received and Police Data Systems was the low bidder.

Discussion - Commissioner Arbaney stated he is in favor of modernization, it is just finding the money.

Chuck stated the system is broken and it is a matter of doing it this year or next year.

Commissioner Arbaney stated he favors doing it now in connection with the moving of the offices.

Chairman Smith stated she was in favor of doing it this year also since this was a complete revamp for the County Attorney's office.

Mike McBreen read the bids for the proposed new computer system for the County Attorney's office into the record as follows:

Police Date Systems	- \$ 13,410.00
Computer Support and Sales	- 15,422.50
Electronic Repair Sales & Service	- 16,500.00
C&C Electronics	- 14,241.00

A motion was made by Commissioner Arbaney to authorize the purchase of a modern computer system with additional software packages for the County Attorney's office and award the bid to Police Data Systems for \$13,410. Discussion - Don informed the Commissioners this would only be an additional cost of \$11,000 as there was \$3,200 to \$3,300 left in his capital improvements budget. Motion carried.

The move for the County Attorney's office into the back part of the former Social Services space is projected to be toward the end of September.

Carpeting Bids was discussed. The process of going through purchasing and using the procedure as originally set up was a concern for the Commissioners.

DEPARTMENT HEADS

County Operations

Dale Hancock presented another Television opportunity proposed by the Vacation Channel.

This offer constitutes an offer to purchase the authorizations (licenses) held by Garfield County for broadcast television Channels K04KC, K08GZ, K10LW, K12MH, along with the transmitters and antennas associated with these channels. The Vacation Channel, Inc. (TVCI) offers \$20,000, which could be allocated as \$10,000 for the licenses, and \$10,000 for the equipment in "as is" condition.

Dale clarified that this was actually the purchase on only one license. The payment terms were discussed and Dale informed the Commissioners the offer expires on or after September 1, 1996.

Dale presented some news about other systems coming into the area. KRMA with an "11 hop system" in January; Channel 14 out of Grand Junction; and NBC is to start broadcasting Channel 11 in Grand Junction and they are coming this way.

A motion was made by Commissioner Arbaney to authorize the sale with The Vacation Channel for broadcast television Channels K04KC, K08GZ, K10LW, K12MH along with the transmitters and antennas

associated with these channels for \$20,000. Motion was seconded by Chairman Smith who stepped down as Chair. Motion carried.

Board of Health

Mary Meisner presented:

Flu Vaccines

The Immunization Services Agreement between Rocky Mountain Health Maintenance Organization, Inc. and Garfield County Public Health Nursing Service for this year was presented for review and signature of the Chair. Exhibit B of the contract exhibits the amount the contractor will pay which is \$5.00 per immunization, and will pay the nurse per hour on weekdays a rate of \$15.50 and weekends \$23.25 per hour. Mary stated this makes it easy to bill them.

Don reviewed the contract and stated for the record that he objected to the arbitration procedure as he usually does in this type of a contract.

Commissioner Arbaney made a motion to authorize the Chair to sign the contract with Rocky Mountain HMO for influenza immunizations per the contract presented. Chairman Smith stepped down as Chair to second the motion; carried.

Building and Planning

Mark Bean presented his report which included:

Resolution - Amending Section 8.00 - Subdivision Regulations

Commissioner Arbaney made a motion to approve Resolution concerned with the amendment of Section 8.00 of the "Subdivision Regulations of Garfield County, Colorado, of 1984." Chairman Smith stepped down as Chair to second the motion; carried.

Resolution and Plat - Jackson

A motion was made by Commissioner Arbaney to authorize the Chair to sign a Resolution and Plat concerned with granting an exemption from the Garfield County Subdivision Regulations for Carter T. and Louise Van R. Jackson. Chairman Smith stepped down as the Chair to second the motion; carried.

Extension - Quevado

Commissioner Arbaney made a motion to grant a 120 day extension for Susan Quevado. Chairman Smith stepped down as Chair to second the motion; carried.

Log Storage - Beaver Creek Logging

Mark reported on the hearing with the Planning Commission on the Beaver Creek Logging Operation. Mike Bishop owns property of which the Beaver Creek road crosses over. The county does not own the road. Mr. Bishop has a private easement that only is granted by previous owner Vondette to allow DOW recreationally activities or enjoyment which does not include logging. So Mr. Bishop is objecting to and saying there is no legal access to this property for logging operation purposes. The meeting was continued for 30 days to give these gentlemen the opportunity to see whether or not they were going to be able to or not to disprove, or whether it was something else that was going to be done. Mark stated he just received the book and page number for the deed for the easement from Vondette to DOW. If Mr. Bishop doesn't approve an easement, there is an incomplete application because there is no legal access to the property.

SPECIAL EVENTS LIQUOR LICENSE/MULE DEER FOUNDATION

Mildred Alsdorf presented the application for a Special Events Liquor License for Mule Deer Foundation for review and discussion. Wesley Kent, President of local charter for the Mule Deer Foundation was present. Mildred stated she issued the sign to be posted and it was published in the Daily Sentinel. The documents presented included: the application, copy of Incorporation, letter from Battlement Mesa Rec. Center, and a diagram of the area where they will hold their event.

Wesley Kent of 4064 County Road 331, Silt explained the liquor license was for a fundraising banquet for the Mule Deer Foundation, a National Organization similar to Buck's Unlimited, The Elk Foundation, etc., stating it was a conservation organization the purpose of this event was for a membership drive to raise funds for habitat work to enhance mule deer and other wildlife populations. The event begins at 6 PM with dinner by 7 PM; silent auctions and hopefully ending by 10 PM. The diagram shows the part of the Center they will be using and since it is a public facility they will have monitors provided by the members and by the staff at Battlement Mesa to keep organization members where they are supposed to be. This is a new

chapter. The membership locally is at 25 active members. Wesley stated he expects around 200 for the banquet. This is the first banquet for Colorado. Dinner will be catered by the Chuck Wagon. Alcohol will be purchased and they will provide a "donation" table.

Mildred told them they can charge for the drinks on a special event.

Commissioner Arbaney made a motion to approve the Chair to sign a Special Events Liquor License for the Mule Deer Foundation. Chairman Smith stepped down as Chair to second the motion. Carried.

Liquor License Renewal - Trapper Lake

Mildred presented that Trapper Lake is a renewal for the Hotel and Restaurant license which expired.

Mildred stated she informed them they would have to stop selling alcohol in their restaurant. They had planned to sell the property but the deal didn't go through so they decided to go ahead and renew the 3.2 at the store but otherwise no alcohol will be served.

Commissioner Arbaney made a motion that the Chair be authorized to sign a 3.2 liquor license for RM Investments dba Trappers Lake Lodge General Store. Chairman Smith stepped down as Chair to second the motion; carried.

SITE APPLICATION REVIEW - SEWAGE TREATMENT WORKS EXPANSION - APPLICANT: SPRING VALLEY SANITATION DISTRICT

Mark explained this would involve the Commissioners to serve a double function - as the Board of Health and as the Board of County Commissioners.

Board of Health

A motion was made by Commissioner Arbaney to go into the Board of Health. Chairman Smith stepped down as Chair to second the motion. Carried.

Mark stated this was a proposal to expand the Spring Valley Wastewater Treatment Facility to improve the capacity of 52,000 gpd to 153,700 gpd.

He stated: This is a Site application for approval for Expansion of Domestic Wastewater Treatment Works for Spring Valley Sanitation District on a site located approximately 4 miles southeast of Glenwood Springs, off of County Road 114 and located on the CMC campus. This is based on the need for expansion of an equivalent population of 1537 people that will occur in Los Amigos PUD and on the CMC Roaring Fork campus.

Recommendation:

That the Board of County Commissioners and Board of Health recommend approval of the site application with no additional comment.

A motion was made by Commissioner Arbaney to approve the site application and authorize the Chair to sign as the Board of Health the approval for expansion of domestic wastewater treatment works for Spring Valley Sanitation District. Chairman Smith stepped down as Chair to second the motion. Carried.

A motion was made by Commissioner Arbaney to come out of the Board of Health. Chairman Smith stepped down as the Chair to second the motion. Carried.

A motion was made by Commissioner Arbaney to approve the site application for approval for expansion of domestic wastewater treatment works for Spring Valley Sanitation District. Chairman Smith stepped down as Chair to second the motion; carried.

FOUR MILE ROAD FINANCING STUDY - PRESENTATION. DENNIS STRANGER AND PETER NICKOLS

Peter Nickols - 325 Botantic Road, Carbondale and Dennis Stranger of 214 8th Glenwood Springs. They are local consultants retained by the Commissioners to develop a road impact fee to deal specifically with increasing public controversy over Four Mile Road impacts and one that could be imposed on future growth in order to defray County growth-related road improvement costs. The Proposal involved members of the Community as suggested by Mark, Don and Chuck such as residents, developers, Sunlight (ski area) and others. Extensive meetings were held with Garfield County Road and Bridge.

The final report was presented and explained in detail which included a capital improvement Program; Four Mile Road Improvements; existing Four Mile Road Improvements; and Four Mile Road Corridor Relocation.

Within the report, an impact fee work sheet and instructions were included that was determined to be a method which could be used to come up with an Impact Fee for the County.

Chuck suggesting tying everything to a standard. If the County deviates from that standard, then the County could be in trouble.

Peter stated the formula could be used for all roads within the County.

Don suggested this could be sent to the Planning Commission for further action to adopt Subdivision Regulations; and if the Commissioners want to move quickly through regulations that can be enforced, that is what would need to happen.

Mark explained Don was suggesting to adopt a formula, not necessarily numbers. This would give the Commissioners an opportunity to deal with the individual proposals coming before them.

Chairman Smith suggested they could adopt the blank computation form and attach the trip generation manual.

Don stated when you look at a subdivision, you do have to rely on the best available information and right now the Four-Mile Corridor is still the best available information. He also stated in terms of where you are legally with subdivision proposals you still do not have regulations imposing an impact fee, or requiring a specific amount of reimbursement from development projects. He attached a Statute to the memo he has previously given the Commissioners that states this very clearly. The Board needs to have this in place before you require impact fees.

Mark stated there was a difference between the PUD process and the subdivision review process.

He said Don was talking about incorporating this into your subdivision regulation so this formula is there for any development. It would be the basis for the Commissioners' evaluation and use of the subdivision project, either a PUD or a standard subdivision.

Don added what we have to be able to do is to tell the developer what their costs will be. This is long standing case law requiring the ability to tell someone who's coming to you for proposals what you expect or anticipate for impact fees. You cannot develop these fees on a case by case, subdivision by subdivision basis. So we can't allow these costs to sit without any action. You can't adopt the methodology and then forget about the actual costs.

Mark stated the staff could work on this and bring some recommendation to the Commissioners in later meetings.

ROAD AND BRIDGE DISCUSSION

King Lloyd presented his report.

The following bids were submitted for maintenance gravel quotes - loaded ton price - F.O.B. Pit for County Road 115 3/4" Road Base; County Road 119 at Int. CR115 from Mitch's Drive-Way to Anderson's; County Road 137 from Okanela Lodge to Jolley's; and County Road 134 at Richardson's Drive Going South:

Western Slope Aggregates

Pit Location - 0406 County Road 104	
3/4" Road Base	\$ 3.20 /ton
1 1/2" Road Base	2.90 /ton
3" Crushed Rock	2.50 /ton

Western Mobile Inc.

Pit Location - 3794 County Road 109	
3/4" Road Base	\$ 3.75 /ton
1 1/2 " Road Base	3.75 /ton
3" Crushed Rock	NO BID

Flag Sand and Gravel

Pit Location - 1412 County Road 311	
3/4" Road Base	\$ 3.75 /ton
1 1/2 " Road Base	3.50 /ton

3" Crushed Rock

3.75 /ton

PUBLIC MEETING: CONDITIONAL USE PERMIT - HOME OCCUPATION - LOCATED ON DONEGAN ROAD IN WEST GLENWOOD. APPLICANT: STEPHEN WELLER

Mark Bean, Don DeFord and Stephen Weller of 0044 Donegan Road were present.

Mark presented: This is a conditional use permit to allow a home occupation for Stephen Weller on 0.577 acres located generally in West Glenwood Springs at the southeast corner of the intersection of CR 130 and CR 132. The applicant is requesting a Conditional Use Permit for a home occupation to allow for the use of a three-car garage to store carpet, vinyl, and other flooring items on one end of the garage. The proposed operation will occur on a piece of property owned by the applicant, but not his place of residence.

Recommendations:

APPROVAL, subject to the following conditions:

All representations of the applicant, either contained in the application or stated in the public meetings, shall be considered conditions of approval unless otherwise stated.

That the hours of operations are limited to 7 a.m. to 7 p.m., Monday through Friday, and when necessary, 8 a.m. to 5 p.m. on Saturdays.

Any expansion or modification of the home occupation, above or beyond the representations with the application, shall require the applicant to file a new Conditional Use permit Application.

A motion was made by Commissioner Arbaney to approve a Conditional Use Permit to allow a home occupation for Stephen F. Weller as described in the staff packet with all major issues and concerns, suggested findings, and recommendations with the addition of a conditional provision that this Conditional Use Permit is not transferable if the property is sold. Chairman Smith stepped down as Chair to second the motion; carried.

Approval of Minutes

A motion was made by Commissioner Arbaney to approve the minutes of the Board of County Commissioners for February 5, February 21, February 26, and February 28, 1996; and April 15, 1996 for the Board of Social Services. Chairman Smith stepped down as Chair to second the motion; carried.

PUBLIC MEETING: FINAL PLAT: CEDARS PUD - APPLICANT: ELK CREEK DEVELOPMENT

Eric McCafferty, Don DeFord, Chuck Deschenes, Dick Jolly, John Schenk and Kent Jolley were present. Eric presented and stated the Planning Commission, staff, and Don have reviewed the arrangement made with New Castle regarding water taps.

This arrangement made with New Castle regarding the agreement for water taps was discussed. \$52,716 will be paid for 5 water taps. The issue regarding locking in the price on water taps was an issue with the Town of New Castle.

Kent also stated the engineer has provided certification except for re-vegetation.

Eric stated that each tap fee is \$1535.20 and the taps have not been purchased at this point, however, part of the infrastructure cost has been paid.

Kent stated at this time they have approximately \$85,000 in the water system.

Chairman Smith clarified there was infrastructure up to the lot line, but the tap fee from the lot line on into the house is not there.

Kent - affirmed this as correct. This meeting was to appraise the Commissioners of the situation, however, he did not feel there was any cause to be concerned.

Eric stated for the Board's benefit, the total for the improvements certify to be \$132,361.00. The engineer has provided certification that everything is complete to date except for the re-vegetation which would be \$1520.00. Otherwise all the improvements have been made.

Don inquired how the re-vegetation would be secured.

Kent stated he would be giving them a check today and he also wanted to know how to get the funds back and to finalize the re-vegetation.

Eric stated after two years an on-site visitation will be made to visually inspect it.

Kent stated there was a need to change one sentence on page 7, previously said that "no perimeter fencing would be allowed." And it needs to be changed to read, "no perimeter fencing will be allowed which is likely to impede the ordinary movement of wildlife."

A motion was made by Commissioner Arbaney to authorize the Chair to sign the final plat and SIA for Cedars PUD. Chairman Smith stepped down as Chair to second the motion; carried.

WEST GLENWOOD SANITATION DISTRICT - TAP FEES

Mark Bean, Don DeFord and Carolyn Strautman from Leavenworth & Associates representing West Glenwood Sanitation District were present.

Carolyn stated tap fees were being proposed to be charged and collected prior to issuance of building permit and she was requesting the Commissioners cooperation. The same kind of an agreement is going before the City Council Members of Glenwood Springs.

Mark had a concern that the West Glenwood Sanitation District not sue the County if there was an oversight and he wanted some kind of a provision to protect the county and staff.

Don stated he would like to have this included in the building code. This was referred to the Board of Review.

A motion was made by Commissioner Arbaney to refer this issue to the appropriate Board of Review Agencies. Chairman Smith stepped down as Chair to second the motion; carried.

CONCERNED CITIZENS PRESENTATION BALLOT QUESTION

Commissioner Arnold Mackley was on the speaker phone; Charlie Willman and Tom Beard presented the Concerned Citizens Sales Tax Ballot Question. Members of the Sales Tax Committee were present.

Charlie read the changes to the Resolution. He then read the Resolution No. 96 - 54 concerned with the approval of a sales tax to be imposed throughout Garfield County and establishment of distribution guidelines for the net revenues received from the tax under the control of the Garfield County Commissioners. (Note: this is the corrected version.)

"Shall the County of Garfield, State of Colorado, increase sales taxes by 3 million dollars annually in the first full fiscal year of 1997 and thereafter by whatever amounts are raised annually through imposition of a new county-wide sales tax of 3/4 of 1 percent on the sale of tangible personal property at retail and furnishing of services by dedicating the new sales tax revenues as follows:

25% FOR EMERGENCY DISPATCH COMMUNICATION SYSTEMS. To modernize, improve and thereafter maintain a public safety communication system for police, fire and ambulance response systems that are reliable, efficient and serve the entire county.

37.5% FOR COUNTY ROADS AND BRIDGES. To increase safety, access and general driving conditions by expanding road and bridge construction and maintenance throughout the county.

12.5% FOR MUNICIPAL ROADS AND BRIDGES. To be shared with incorporated towns and cities, including parachute, Rifle, Silt, New Castle, Glenwood Springs, Carbondale and other towns and cities as may later become incorporated within Garfield County, for road and bridge construction and maintenance.

12.5% FOR PUBLIC HEALTH AND HUMAN SERVICES. To more adequately serve youth, seniors and other public health and human service needs throughout the county, including compliance with the Americans with Disabilities Act;

12.5% FOR PUBLIC SAFETY - SHERIFF DEPUTIES. To acquire and fund personnel and equipment including patrol officers and equipment to increase officer patrols throughout the county, reduce response times and improve public safety. No tax revenues generated from this sales tax will be appropriated or expended for the construction of the Garfield Jail, and

all as is more fully provided for in Resolution No. 96-54, which Resolution No. 96-54 also provides that funds in excess of 105.5% of the net revenues received for each year commencing with the second year shall be used for Garfield County capital, personnel, operations and road and bridge needs or placed into a reserve account for those needs; and establishes capital improvement funds for future capital needs of the emergency communication system and for public health needs; and allows for the establishment of a special road improvement and maintenance fund to be applied to improve and maintain county roads and bridges?"

The following individuals spoke to the Sales Tax Issue:

Charlie Willman, Sales Tax Co-Chairman; Daryl Meisner, Rifle Police Chief; Fred Williams, Carbondale Police Chief; Terry Wilson Glenwood Springs Police Chief; Ed Foster, Silt Police Chief; Jim Yale, Silt

Administrator; Tom Beard, Sales Tax Co-Chairman; Tom Delassandri, Garfield County Sheriff; John Steele, Mayor Town of Silt; Debbie Wilde, Director of Garfield Youth Services; Cheryl Hurst, Director Legal Services; Tom Janokowski, Owner Ski Sunlight; Steve Thomas, Director Garfield County Library; Julie Olson, Director Advocate Safehouse; Mary Meisner, Director of Garfield County Nursing; Ken Stein, Colorado West Regional Mental Health; Margaret Long, Director Human Services for Garfield County; Holly Tatnall, Extension; and Tom Sherman, Battlement Mesa Police Chief.

Commissioner Mackley made a motion to amend the Sales Tax Ballot Question Section 2. Distribution, No. G to "105.5%," and "the remitted funds shall only be appropriated by Garfield County for capital, personnel, and operations including road and bridge needs" and otherwise approve the Resolution as read into the record. Commissioner Arbaney seconded the motion.

Commissioner Arbaney - voiced his concern over the disparity in personnel raises and his concern with the small percentage in this tax issue noting those issues would not be able to be fixed.

Jim Stevens added comments in regard to the County-wide personnel, stating dispatch was 29% below the average.

Commissioner Arbaney - the County budget or the...

Jim Stevens - comparison to the average survey.

Commissioner Arbaney - again voiced that this doesn't make a difference. There will still be disparity among the County employees.

Charlie Willman - stated there was nothing that the Committee gave the Commissioners that indicated Communications would be able to grant raises beyond the scope of the personnel policies.

Commissioner Arbaney - stated that right now they are above some of the County people. 25% of the sales tax will go to communications and not to the rest of the county personnel.

Esther Piper - spoke in regard to the 120 day limit on the Resolution.

Charlie stated he would address that when the Board gets to the publication of the Resolution.

Chairman Smith called for the vote.

Vote - Smith, aye; Mackley, aye; Arbaney - nay. Motion passes.

Resolution Changes - 96-55

Page 21 Section 2, 2nd line - election date should be November 5, 1996; page 4 at the top, 107% should be changed to 105.5%; further down same page, Garfield County capital, personnel, and operations including road and bridge needs; Section 5, the election judges are now paid \$60 full compensation.

Don clarified the 120 day question, stating the Statute does not make a requirement on publication, it does make a requirement that if there is a general election within 120 days, it is held at that election. So if you want to leave the wording, it should be "within 120."

Charlie stated the final change would be in Section VI, bottom of page 4, a period after the word apart and the rest of the sentence will be deleted.

Don clarified for the record, the Resolution in draft form is a "Resolution to the registered electors in Garfield County in a general election to be held November 5, 1996." The question of approval of an additional County sales tax as set forth in Resolution No. 96-54, the Resolution just passed, and providing for other details in connection therewith in draft form. The Resolution needs to be amended to "correct the date of election to page 2 to November 5, 1996, on page 4, to alter the figure of 107% on line 2 to 105.5%; alter the amount paid to election judges to \$60 and the top of page 4, Garfield County capital, personnel, and operations including road and bridge needs." With that alteration and beginning on the last line of page 4 to "put a period after the word apart and strike the remainder of that sentence." With those alterations, the proposal was being requested to go forward with the motion as drafted.

Chairman Smith stated in Section 12.5 to drop "additional," stating she felt the two Commissioners should agree.

Charlie Willman stated the last paragraph on page 3 should read "12.5% for Public Safety - Sheriff Deputies "To acquire and fund personnel and equipment including patrol officers and equipment to increase officer patrols throughout the county, reduce response times and improve public safety. No tax revenues generated from this sales tax will be appropriated or expended for the construction of the Garfield County Jail."

A motion was made by Commissioner Mackley that the Resolution submitting the Sales Tax to the vote of the electors with the amendments to the draft as just stated.

Commissioner Arbaney seconded the motion.

Comments: Commissioner Arbaney Now it isn't that I'm not in favor of a sales tax, because I certainly am. That is not my - technically getting involved in trying to get everyone involved in paying for government in general and I'll probably vote for this Resolution which I did not vote for the tax, only because it shows that there is some unity within this Board and within this community. I still feel very strongly that I have a very good point, but I will compromise on this vote. As to what the equability of this tax should be, I don't feel that it is right now.

Tom Beard, in the spirit of trying to compromise and make this the best it can be, asked if there was anyway to tie this percentage back into to CPI or inflation, because the tax itself benefits inflationary increases. It increases as inflation increases so the percentages that are protected within the specific recommendations will grow with inflation. Is there a way we can compromise on this to address Buckley's point?

More discussion which included lowering the 105.5% to 104%. Commissioner Arbaney stated at 104% he would vote affirmative for the Sales Tax Proposal.

Jim Yale stated the Commissioners had already passed the motion at 105.5% and Commissioner Arbaney is going to compromise and go with it even though he protested.

Chairman Smith called for the vote.

Chairman Smith - aye; Commissioner Mackley - aye; Commissioner Arbaney - aye.

Commissioner Mackley stated he did want to thank the committee for all the effort put forth. He realized that it wasn't an easy task and a lot of hours had been put into drafting the proposal.

Commissioner Arbaney made a motion to authorize the Chair to sign the Resolution. Chairman Smith stepped down from the Chair to second the motion; carried.

CONSIDERATION OF APPOINTMENT OF SPECIAL COUNSEL

Don presented the appointment of a special counsel to act as County Attorney for specific issues on the Four Mile Corridor. This is necessitated because of conflicts of interest that have been raised about Don DeFord's participation by certain developers in that corridor and it is best for all to proceed on this. It is clearly an attorney/client matter and they should select whomever they want. He called for an Executive Session to discuss further.

Executive Session

Commissioner Arbaney made a motion to go into Executive Session to discuss the appointment of special counsel. Chairman Smith stepped down as Chair to second the motion; carried.

Commissioner Mackley made a motion to come out of Executive Session. Chairman Smith stepped down from the Chair to second the motion; carried.

Adjournment

Attest:

Chairman of the Board

SEPTEMBER 3, 1996
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, September 3, 1996 with Chairman Marian Smith and Commissioner Elmer (Buckey) Arbaney present. Also present were: County Administrator, Chuck Deschenes and County Clerk and Recorder, Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes, Rich Alyard and Mike McBreen were present.

Air conditioning:

The Commissioners had directed Rich and Mike to look into having the air ducts and vents cleaned. Mike had contacted a firm in Denver and the cost was between \$20,000 and \$30,000 dollars. Rich added that cleaning the system would not solve the problem as the system was too small to accommodate the cooling needs of this building. Rich stated there was not enough air volume. When the building was wired, it wasn't adequate enough to handle a larger motor which would help in distributing the air.

Rich submitted a report that was completed prior to the balancing of the system done in 1988. He suggested this report indicated some cost items that were never done.

A decision was made to have a specialist to come in and advise what is needed. Two firms were mentioned to contact to obtain prices - Fortney Refrigeration and Cliff Gorman from Grand Junction.

Bills and Payroll

Chuck submitted the bills for 1st run of August and the Payroll for review and approval.

A motion was made by Commissioner Arbaney to approve the bills and payroll for August, 1st run 1996.

Draft Budget

A motion was made by Commissioner Arbaney to appoint Chuck Deschenes as budget officer for the 1997 year. Chairman Smith stepped down from the Chair to second the motion. Carried.

Executive Session - Personnel Issue/Sheriff's Office

Don DeFord suggested an Executive Session was in order to discuss a personnel issue.

A motion was made by Commissioner Arbaney to go into an Executive Session. Chairman Smith stepped down as Chair to second the motion. Carried.

A motion was made by Commissioner Arbaney to come out of Executive Session. Chairman Smith stepped down as Chair to second the motion. Carried.

Building the Jail

Getting the jail built was discussed. Property owned by the County was to be explored and determined if there was deed restrictions.

Fairgrounds Contracts

Several Fairgrounds Contracts were presented for signature of the Chair: Colorado Quarterhorse Association for a horse sale Sept. 19 - 22nd; Colorado West Paint Horse Club for Sept. 6 & 7th; John Downing for the 8th of Sept.; and Colorado Quarterhorse Association Ranch Rodeo for August 30 - September 2.

A motion was made by Commissioner Arbaney to sign the contracts as presented. Chairman Smith stepped down from the Chair to second the motion. Motion carried.

Chuck suggested the Fairground Contracts be modified to limit outside entertainment to specific times. The time suggested was modified to be set at 10:30 P.M.; however, exceptions could be made with Board approval. Commissioners approved.

Letters - Human Service Commission

Chuck stated the following had submitted applications for appointment to the Human Service Commission: Tracy Hill, Carol Brown, The Legal Center and Wendy Christie.

A motion was made by Commissioner Arbaney to appoint Tracy Hill, Carol Brown, and Wendy Christie to the Human Services Commission but not the Legal Center. Chairman Smith stepped down as Chair to second the motion. Motion carried.

Journal Entries

Journal Entries were presented to review. Chuck stated that these do not require a motion to accept.

Personnel Consultant

Discussion was held regarding the price per hour to offer the Personnel Consultant. It was decided that \$45 per hour would be offered to Susan Owens of The Owens Group, a Human Services contractor in the area, with a \$2500 maximum after the scope of services has been identified.

A motion was made by Commissioner Arbaney to contract with Susan Owens of The Owens Group with a cap of \$2000.00 to provide a preliminary scope of services. After she performs this first step, Susan will come back with a revised number and the Board can take a look at this again at that particular point and time. Chairman Smith stepped down as Chair to second the motion. Discussion. Susan will be here to meet with the Personnel Committee on the 10th. Motion carried.

JAIL DISCUSSION

Sheriff Tom Delassandri, Dale Hancock, Doyle McGinley and Al Maggard of the Jail Advisory Committee were present.

Jail Count

Total in jail 114; 46 main jail; 37 in Work Release; 4 females; 23 in other jails; 2 Home Detention; 2 ; no Day Reporting; 0 State Hospital; and 3 DOC. Those in other jails included 10 in Grand County and 12 in Gilpin County.

Discussion was held regarding moving ahead on the new jail. Alan Mattlose was scheduled to come before the Commissioners on September 16th at noon. The Courthouse and other County property was proposed to be used as collateral. The fact that the property where Valley View Hospital; the Chamber of Commerce; and Chamber Park are located belong to the County.

Commissioner Arbaney told Tom and Dale to notify the architects to move ahead, start to clear the property on the UPL site and prepare to break ground by Spring.

Tom reported on the various problems with space at Pueblo State Hospital and mental health holds and evaluations. He stated within the new building there is space for hold on these mental health cases. Additional, Tom voiced a concern that protective custody individuals should not be locked down which required the hospital to be involved.

The cost was determined to be \$8,000 a week to pay expenses related to out of area jail housing not including the transportation costs and drain on staff.

Commissioner Arbaney suggested to rent something locally to hold these inmates. To get zoning issues in front of the Court as expeditious as possible would perhaps move toward a decision on the jail building.

Lift-Up Site

Chairman Smith stated that Jackie Allen, Director of Lift - Up is looking for an office type facility. The organization has determined that some of the clothes they have been giving out are re-sold at local garage sales.

County Operations

Dale stated he would contact URS and Reiley/Johnson giving them an update on the position of the Commissioners and the jail which would be to first find out what may be available on a short term arrangement to force the issues and starting to do a site preparation. Commissioner Arbaney suggested to have contracts in hand and be ready to begin when Spring arrives, thus maintaining the UPL building throughout the winter months.

Tom stated he would like very much to resolve the high number of out-of-area inmates. Tom stated they have been brainstorming during the last several weeks regarding some options. One would be to create a higher security building on what is now work release; however looking at it from a long term and short term arrangement, there should be some modifications made to the existing facility. One is on the wall putting up cinder block versus the chain link. If the work release inmates can be moved to another location, then modifications can be made to the work release unit. Then it will relieve the out-of-town population. Tom stated he was going through the numbers this year versus last year and we are about 15% to 20% over. That is a pretty dramatic jump and it is consistent. This is way over the numbers they had expected, and there is no reason to anticipate that these numbers will vary that much next year.

Dale stated he could do a RFI - a request for information on community corrections/work release operation to the private sectors just to see if there is any interest. Historically we have had 15 Community Corrections beds and that's not enough to have the private sector to show interest. But this year's contract is for 19 and if you add work release beds, the total would require 59 beds and this may be a sufficient number to draw interest.

Don stated he needed discussions with Dale and Tom regarding the risks involved. This would require an Executive Session to discuss these.

Al Maggard will be attending the annual conference in Mobile, Alabama. Al will become the president of the group. Expenses will be covered.

Dale stated they pay dues which is 1% of the administrative appropriation out of the Community Corrections contract which this year amounts to \$1,000 plus. From resources of the Association, Al's expenses for the trip will be covered.

Al stated the next meeting of the jail advisory board will be the 13th at 12:00 noon.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Mark Bean, Chuck Deschenes and Don DeFord were present.

David Hicks of 1051 County Road 111 presented original plats and stated he had problems with the Mountain Meadows Subdivision drainage improvements; and the problems he is having with the current implementations. The original plats were displayed to the Commissioners. A drainage swell was designed to go along the Pitkin County line. It was designed to carry a very large capacity of water. The Prince Creek area drainage pond was suggested providing a direct flow into the field but nothing was done. David stated he received a letter that the subdivision drainage had been redesigned. Since he first received the letter, they have constructed the new drainage. David stated he was not contacted before any modifications were done.

Mark - stated this is an issue that he has had numerous conversations with David Hicks, Debbie Duley with Schmueser Gordon Meyer, and John Shenck. Mark has advised the Mountain Meadows Subdivision that this is a particular type of situation where they need to at least show an easement on the plat itself which requires an amended plat. At the time of the preliminary plat was reviewed, all of the information was there; there were no concerns that were expressed so the assumption was made that everything was resolved in terms of the adjacent property owners. They now know this is not acceptable so Mark stated he thinks there is a need to get back into a public meeting; have Mountain Meadows Subdivision submit an amended plat; air concerns; and allow the Commissioners to hear both sides. Don stated this issue has to go one of two ways, either; (1) amended plat with a public hearing or (2) a public meeting which requires the issue to go before the Planning Commissioner prior to that happening.

David stated he has had a geologist look at it and concern has been expressed that damage to the hillside is a possibility.

Mark stated all the parties are aware of the issues.

Commissioner Arbaney made a motion to send a letter advising the affected parties that the date of September 9th at 4:30 P.M. was set for consideration of amendment to final plat of Mountain Meadows at Prince Creek. Chairman Smith stepped down from the Chair to second the motion; carried.

COUNTY BUSINESS - EMPLOYEE OF THE MONTH

Christine Houck of the Clerk and Recorder's Office was awarded the Employee of the Month. Jean Alberico and Pam Bunn were present to acknowledge her award.

Mildred presented Chris with flowers from the Clerk and Recorder's Office.

DEPARTMENT HEADS

Emergency Preparedness

Guy Meyer presented a GIS colored map to design as a tool to pinpoint high intensive fire danger areas.

Guy stated he will present these to the State and hopefully obtain some grant funds.

The annual paper for funding from the Fed - 18,816.50 for the 1997 year.

A motion was made by Commissioner Arbaney to authorize the Chair to sign the form to the Federal Government for the total amount of \$18,816.50 to be requested by the Department of Emergency Planning. Chairman Smith stepped down as Chair to second the motion; motion carried.

County Operations

Dale Hancock reported on the potential of 5 (five) licenses being leased to KKCO, Channel 11, NBC. Dale stated he will discuss this more with them on Friday morning. This is moving toward the goals of restoring TV and making money. The Commissioners gave approval for Dale to negotiate.

Chairman Smith suggested another goal was to put TV back into the jail.

Building and Planning

Dakota Town Homes

Mark Bean presented. Amendment Dakota Town Homes for an amendment to the subdivision improvement agreement.

A motion was made by Commissioner Arbaney to authorize the Chair to sign an Amended Plat to Dakota Townhomes, L. L. C., Exhibit A by the reduction of the "Total of constructed to be Completed" as shown on Exhibit dated August 5, 1996. Chairman Smith stepped down as Chair to second the motion; carried.

Los Amigos Ranch - Release of Security

A motion was made by Commissioner Arbaney to authorize the Chair to sign an Acknowledgment of Satisfaction for Subdivision Improvements Agreement for Los Amigos Filling 3 & 4 for \$13,200.00.

Chairman Smith stepped down as Chair to second the motion; carried.

Los Amigos Ranch - Release of Security

A motion was made by Commissioner Arbaney to authorize the Chair to sign an Acknowledgment of Satisfaction Subdivision Improvements Agreement for Los Amigos Ranch Partnership for the improvements of Subdivision II, Filing 2, release of security in the amount of \$4,480.00. Chairman Smith stepped down as Chair to second the motion; carried.

Conditional Use Permit - Weller

A motion was made by Commissioner Arbaney to authorize the Chair to sign a Conditional Use Permit for Stephen F. Weller for Lot 1, Herczeg Subdivision Exemption plat. Chairman Smith stepped down as the Chair to second the motion; carried.

Spring Creek Land Company - Release of Security

A motion was made by Commissioner Arbaney to authorize the Chair to sign a Subdivision Improvements Agreement for Norman Classen and Spring Land Company for \$72,722.00. Chairman Smith stepped down from the Chair to second the motion; carried.

Subdivision Improvement Act - Road Impact Fee

Mark presented a memorandum regarding the road impact fee system - amendments to the Garfield County Subdivision Regulations. He stated the road impact fees can be used within the SIA however, the Board would need a provision within the Subdivision Improvement Agreement in order to collect the fees. Mark suggested to refer this back to the Planning Commission.

A motion was made by Commissioner Arbaney to send the Road Impact System to the Planning Commission. Chairman Smith stepped down from the Chair to second the motion. Motion carried.

Communications

Acceptance of Energy Impact Grant

Jim Stevens presented the contracts for \$150,000 from the State Department of Local Affairs for the Commissioners review and approval.

A motion was made by Commissioner Arbaney to authorize the Chair to sign and approve the Energy Impact Grant upon Don DeFord's review. Chairman Smith stepped down as Chair to second the motion; carried.

ROAD AND BRIDGE DISCUSSION/PAVEMENT MARKING NOTICE OF AWARD

Mike McBreen submitted the bids for pavement marking as follows:

Work Zone Safety, Inc. dba/In-Line \$45 gal and \$50 a gal ----\$68,495.00 and

Warning Lights \$12 gal and \$30 for a total bid price of -----\$20,547 .00.

The recommendation was to accept Warning Lights out of Grand Junction with the low bid.

Commissioner Arbaney made a motion to award Warning Lights and Equipment for \$20,547 with a unit price of \$12 per gal and \$30 per gal. Chairman Smith stepped down as Chair to second the motion; carried.

Executive Session - Personnel Issues on Foster/DeFoor; Consent Decree; Status of Jail

A motion was made by Commissioner Arbaney to go into an Executive Session to discuss personnel issues, the consent decree, and the status of the jail issue. Chairman Smith stepped down as Chair to second the motion; carried.

Rifle Site

King presented a plat showing a drawing of a site-plan for the facility parking for the Road and Bridge Shop. Chairman Smith asked King to notify the City of Rifle that plans to consolidate are in the future.

This is the UMTRA (old mill site) and from the ditch to County property, it is 3.3 acres.

Chairman Smith suggested to do the least amount to meet the State's requirements. The access is joint between the State and the County. King suggested to get the surveyor to do a survey on the access at the same time.

King stated that a future letter to be signed jointly by the Board of County Commissioners and the City of Rifle will be forthcoming.

Building Available for Road and Bridge - Rifle Site

King presented that Occidental was interested in getting rid of more buildings. These can be moved next year. The building available is a metal shop building approximately 80 x 140 feet long.

Commissioner Arbaney suggested obtaining specifics about the buildings and obtaining bids.

BLM

King stated BLM had contacted him and that it might help to have a Commissioner present to discuss the preliminary assessment evaluation regarding the landfill. A time was set for September 10th in the afternoon at 1:00 P.M.

County Road 100

King reported that the County Road 100 project is underway and going well. The asphalt replacer was out last week and had some time left on the machine so they went up toward Missouri Heights and did about 400 feet worth of work also. This road was in need of repair.

Change Order - Harry's Heavy Haulers

King presented a Change Order for Harry's Heavy Haulers to extend the contract by three (3) days to try and achieve a better set to the aggregate located on the Battlement Mesa portion of the contract. King stated this would not be an increase in money.

Rifle Correctional Facility - County Road

King reported on the cost to put mag chloride on the road to the Correctional Facility. The road at the intersection turning to go to the correctional facility is two miles of road from the State Highway to the intersection. The Chemical for that is \$1865.60 per mile and the equipment cost is approximately \$3600 a mile. King further stated he thought it would be easy to show that the traffic to the Department of Corrections is probably the main ones who are creating the main degradation of the road.

Chairman Smith suggested that King draft a letter from the Road and Bridge Department to the Department of Corrections Facility stating what it will cost for the mag chloride for these 2 miles of road to the fork (from the State Hwy.) and send a copy to the Department of Corrections in Rifle and tell them the County Commissioners are receiving complaints. In addition, she asked King to send a copy of the letter to Art Zavares, the Director of Corrections. Tell them in the letter that these are the kinds of impacts the Board was talking about. See if they are willing to pay for the dust suppression.

Scrap Metal

King requested permission to donate the refund from the old scrap metal, consisting of signs and worn out blades, to the Christmas party fund.

Chuck stated he would rather look at renegotiating on vending machines versus scrap metal.

Commissioners said no to the request but stated they would be happy to work with the committee in other areas.

Mann Creek

Commissioner Arbaney stated Mann Creek was getting worse. The rest of the roads were in good shape and complimented Road and Bridge.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Mike Alsdorf of 1131 Cooper Avenue, Glenwood, presented an update regarding the Cardiff property. This time he presented a colored map which illustrated the 100 foot right of way, the 50 foot right of way, vacated roads, and county vacation as he proposed. Mike stated he was asking for input from the Commissioners.

Commissioner Arbaney stated until Midland Avenue is decided, no guarantees were given.

Don DeFord advised the legal steps to be taken for the County to vacate their portion of the property. Don stated this may be part of the 4-mile development area.

First step is to have Sam Phelps complete a survey and determine what it shows.

King stated Mike may have been paying taxes on County-owned property.

County Road 160 has never been dedicated. This is the main road into Cardiff.

Chairman Smith stated the Commissioners will have to do a survey and the cost of that will have to come from the Road and Bridge budget funds.

King stated he will talk to Sam and get him on it.

Sam will work with a copy of the work performed by the other surveyor, Dave Foree.

King will call and set a date with Mike and Sam and report back to the Commissioners as new developments are made.

PUBLIC MEETING: DISCUSSION OAK MEADOWS, WATER & SEWER SYSTEMS

Mark Bean, Don DeFord, Chuck Deschenes, Larry Green and Robert Delaney were present.

Mr. Delaney of P.O. Drawer 790, Glenwood Springs, appearing with respect to the Oak Meadows Development Corporation regarding progress on the subdivision. He reported the exception was getting approval from the Colorado Department of Health with regard to the discharge permit. This is a new procedure under their law and Bob reported Schmesser Gordon Meyer has been working diligently meeting all the requirements. Kate Foster was present to give a better account of the situations and ramifications with the Colorado Department of Health.

The development agreement has two arms pertaining to the water. There is a requirement that evidence of the State Engineer has to required water supply. There is an alternative, it can either be the existing well no. 6 plus well plus well no. 9 or it can be well no. 6 plus the Four-Mile well No. 1. With respect to the well No. 9 Bob stated they had reached an accord with the Attorney General's Office and the State Engineer's Office as to the form of a decree that would be acceptable and which has been reviewed by Oak Meadow Corporation Board of Directors and approved; and also by Council for the Oak Meadow Home Owners Association. There was a few modifications which are not controversial and can be accepted by the State Engineer's Office and Attorney General. There is one objector still outstanding. This is Dr. Zilm. Counsel has been in contact with his Counsel. Certain provisions have been included which Dr. Zilm requested. He has not acted on whether or not he will withdraw his protest based on the approval of the State Engineer's Office. Bob stated they anticipate this shortly. In accordance with the protections that Bob was concerned about, namely they would continue to have the right to utilize up to 100 acre feet annually for the subdivision and accorded the right to pump up to 90 gal per minute in a combination of wells 6, 8 and 9. There is a limitation on 40 gals per minute on well No. 9 with 36 acre feet annually. Bob stated he felt they could live with these restrictions even in drought times. With respect to the 4 mile well Bob stated they have not settled out all of the protests and have not reached agreement on the form of a decree to be submitted. A meeting is scheduled later this week and he is hopeful of resolving the differences. If not, they have an alternative procedure that will be followed this winter. One of the undertakings was that within a year of approval the report, for construction, they would install a water storage tank at head of Oak Meadows. This has been authorized and the drawings for construction are underway. It is contemplated it will be 150,000 gallons with the Homeowners to pay the cost between \$100 and \$150. All this is looking pretty good. They have also authorized engineers drawing on 3 lots in filing 3 on top of the hill not served by the sewer system.

Waste water discharge permit - Kate Foster with Schmueser Gordon Meyer 118 West 6th Street, Suite 200, Glenwood Springs, gave the report on this. In trying to comply with the State Dept. of Health regulations on the discharge permit, they have drilled two wells as they requested. A down gradient well and up gradient well. They have taken samples from the down gradient well and those results are in but need to be submitted to the State. They show good quality water. The upper well was drilled in the end of May, and by the time they took the sample in July and August, the water table had dropped. So they are trying to get in contact with the Department of Health to see if they can use an upper spring to determine initial baseline water quality. They have also been doing test pits to indicate what the permeability of the soil is in order to do a settling pond. The preliminary results are in and they are waiting for a more extensive study being done to give better permeability numbers. And that's in the process - takes about 3 weeks to accomplish. They are also in compliance with the State's request trying to do a mass balancing in the aeration pond. This requires a 30 to 60 day period. The 60 day period will be up on September 13th and readings can be taken at that time.

Bob Delaney stated, the long and short of it is they need more time. He asked a request to proceed with construction next summer and therefore asking for a one year extension.

Don - asked if the State would give approval sooner.

Chairman Smith - stated the Commissioners would need a report date in February and suggested having an update every three months.

First meeting was set for January 6, 1996 at 2 PM.

Commissioner Arbaney made a motion granting a continuance of the Public Meeting for Oak Meadows, Water & Sewer Systems until January 6, 1997 at 2 p.m. Chairman Smith stepped down as Chair to second the motion; carried.

Extension - Aspen Glen - Roaring Fork Mesa Plat

Mark Bean presented a request for a 60 day extension by Aspen Glen for the Roaring Fork Mesa Plat. A motion was made by Commissioner Arbaney to authorize the 60 day extension until November 7th. Chairman Smith stepped down as Chair to second the motion; carried.

Energy Impact Grant

Commissioner Arbaney made a motion that the Chair be authorized to sign the a grant contract with State for \$150,000 with the County's share being in addition of \$66,000 for a total of \$216,000. Chairman Smith stepped down from the Chair to second the motion; carried.

Resolution Formation - Area Trauma Advisory Council

Dale reported the Resolution forming an area Advisory Comment Council for the Area Trauma Board which Rio Blanco entered consisting of Rio Blanco, Moffat and Garfield County was postponed until Don looks at the documents and provides legal research.

This was postponed until September 15th at 10:30 A.M.

Resolution - Sunrise Meadows, Phase I Subdivision

Commissioner Arbaney made a motion that the Chair to be authorized to sign a Resolution concerned with the approval of a Preliminary Plan for Sunrise Meadows, Phase I Subdivision.

Census 2000

Mark Bean presented an invitation from the U. S. Bureau Census 2000 Rollover Meeting. The State Demographer has already volunteered a lot of local governments for a lot of things and Mark stated he felt the County needed someone to go to the meeting to ensure we were not volunteered for more than we were willing to do. Mark volunteered to attend. The meeting is scheduled for - September 18, 1996 from 10A.M. until - noon at the Denver City Council Chambers, 1437 Bannock, Room 450.

Mildred stated she has to re-precinct next year and would like to attend if possible.

Chairman Smith stated she would also attend if at all possible.

PUBLIC HEARING: FLOOD PLAIN SPECIAL USE PERMIT LOCATED NEAR CATTLE CREEK. APPLICANT: PHILIP ROBBINS

Eric McCafferty, Don DeFord, Architect Rob Clausen of the Drawing Board 818 Colorado and Philip Robbins were present.

Don DeFord determined that adequate and proper notification was complete and advised the Commissioners to proceed.

Exhibits A - Returned receipts; Exhibit B - Proof of Publication; Exhibit C - Application and Attachments; Exhibit D - Project Information; and Exhibit E - Copy of the Garfield County 1978 Zoning Regulations as amended were presented. Chairman Smith submitted Exhibits A - E into the record.

This is a request for a Floodplain Special Use Permit to allow the construction of a single family dwelling within the 100 year floodplain of the Roaring Fork River on a 2.0 acre tract of land located approximately five (5) miles south of Glenwood Springs.

Recommendations:

Staff recommends APPROVAL of the Floodplain Special Use Permit, pursuant to the following conditions:

1. That all representations by the applicant made before the Board of County Commissioners shall be conditions of approval.
2. Prior to the approval of a final/certificate of occupancy for the residence, the property owner shall submit an elevation certificate, signed and stamped by a licensed land surveyor or professional engineer, for the finished floor elevation of the single family dwelling unit.
3. All foundations should be cast-in-place, reinforced concrete footers and stem walls. All foundation designs should be based on site specific geotechnical soil and foundation investigations. All foundations should be reviewed and approved by a registered, professional structural engineer, who should review foundation designs in regard to hydrostatic and hydrodynamic loads and buoyancy.
4. That the finished floor of the residence be a minimum of one (1) foot above the adjacent finish grade.
5. The construction of the residence be performed in accordance with the 1994 Uniform Building Code, as adopted. Additionally, the developer shall follow all recommendations made by the engineers concerning the construction of the individual sewage disposal system.
6. The inclusion of the following plat note on an updated site plan:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

Rob Classen stated the design plans have been modified regarding the leach field construction of the individual sewage disposal system.

Commissioner Arbaney made a motion to close the Public Hearing. Chairman Smith stepped down as Chair to second the motion. Carried.

Commissioner Arbaney made a motion to grant a Floodplain Special Use Permit to allow the construction of a single family dwelling within the 100-year floodplain of the Roaring Fork River on a 2.0 acre tract for Philip Robbins located approximately five (5) miles south of Glenwood Springs as described within the staff project information and staff comments with major issues and concerns, suggested findings and recommendations including the addition to No. 5 "to include the developer shall follow all recommendations made by the engineers concerning the construction of the individual sewage disposal system;" and No. 6 "The inclusion of the following plat note on an updated site plan: "The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

Chairman Smith stepped down as Chair to second the motion; carried.

Commissioner Arbaney made a motion to close the Public Hearing. Chairman Smith stepped down to second the motion. Motion carried,

PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 1/2 MILE FROM WEST GLENWOOD ALONG CR 132. APPLICANT: THOMAS STEELE

Eric McCafferty, Don DeFord and Thomas (Rudy) Steele of 1416 County Road 132, Glenwood Springs were present.

Don determined that proper and adequate notification was complete and advised the Commissioners to proceed.

Eric presented these documents as: Exhibits A - Returned receipts; Exhibit B - Proof of Publication; Exhibit C - Application; Exhibit D - Project Information and Staff Comments; and Exhibit E - copy of the Garfield County Subdivision SB-35 were submitted.

Eric presented: This is an exemption from the definition of subdivision for a 9.22 acre tract of land located approximately one (1) mile north of West Glenwood along County Road 132 (Mitchell Creek). The applicant is proposing to subdivide, by exemption, the 9.22 acre tract into two (2) parcels of 4.61 acres each. One parcel would consist of the existing residence and staff would assume the other tract would be developed as a single family homesite.

Recommendations:

Staff recommends a continuance to allow the petitioner time to demonstrate the various issues raised within the staff report can be met.

A letter was submitted from Eugene T. Hubbard of P. O. Box 563 Janol, CA. stating that he is an adjacent property owner and has no objections to the proposed subdivision.

Thomas (Rudy) Steele addressed the recommendations and conditions of approval stating he did not have any problems.

Stan Regoski of 1686 Mitchell Creek Road, Glenwood Springs - stated he has water rights from Rudy and was concerned the approval of this request will affect his well. This spring feeds his house and others and it his main water supply. He further addressed the lot slope and road grade. Eric stated he also had a concern regarding the road.

A motion was made by Commissioner Arbaney to continue the Public Hearing until January 6, 1997 at 11:00 A.M.

PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED AT THE VIKING RV PROPERTY SOUTH OF SILT. APPLICANTS: TOM & SUE SCOTT

Eric McCafferty, Don DeFord, Tom and Sue Scott were present.

Don DeFord determined that proof of publication was adequate and advised the Commissioners to proceed. Eric presented: This request is for an exemption from the definition of subdivision on a 35 plus acre tract of land located south of Interstate 70, adjacent to the Town of Silt and encompassing the land that is home to the Viking R.V. Park. The applicants are petitioning to subdivide, by exemption, the 35 acre tract into two (2) additional parcels of approximately 3.0 and 32.0 acres.

Tom stated he is hoping to annex into the Town of Silt but it is very expensive and he is hopeful to accomplish this a little at a time.

Recommendations:

Staff recommends APPROVAL of the application, pursuant to the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00 in School Impact Fees for the creation of the exemption parcel, prior to authorization of an exemption plat.
5. That the following plat notes be included:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant, if the lot has not previously been annexed to the Town of Silt."

"The individual lot owners shall be responsible for the control of noxious weeds."

"No further divisions by exemption from definition of subdivision will be allowed."

"Portions of this property lie within the designated, 100-year floodplain of the Colorado River. If any development is proposed for the area within the designated floodplain, it will be subject to applicable County, State and Federal review and permitting."

6. That all tap fees for the water and waste water service be paid, or an irrevocable water supply and waste water agreement between the petitioners and the Town of Silt be submitted to the Planning Department, prior to authorization of an exemption plat.
7. That the plat submitted for approval by the Board be entitled "Scott Exemption Plat and Sievers Amended Plat."
8. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
9. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.

Commissioner Arbaney made a motion to grant the exemption for Tom and Sue Scott as identified in the staff packet with all major issues and concerns, suggested findings, and recommendations. Chairman Smith stepped down from the Chair to second the motion. Carried.

Change Orders - Road and Bridge

A motion was made by Commissioner Arbaney to approve the change orders on the Chip and Seal Contracts for Harry's Heavy Haulers for additional days, no change in dollars. Chairman Smith stepped down from the Chair to second the motion. Carried.

PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED NEAR RULISON ON CR 323. APPLICANTS: ROSS M. & REBECCA TALBOTT

Eric McCafferty, Don DeFord, Ross Talbott on behalf of his son Ross Mark Talbott who is in Oregon and Rick Bentley, the realtor were present.

Don DeFord asked questions to determine adequate posting. Don stated he needed the date the sign was posted. Rick Bentley phoned Ross Mark in Oregon and determined the sign was posted at the main driveway into the house on August 20th on the County Road. The mailings were timely and were mailed on August 16th. Anvil Points properties were identified at the having mineral rights and licenses.

Discussion was held regarding whether there was proper notification on the property.

A motion was made by Commissioner Arbaney to determine that adequate notice was given. Chairman Smith stepped down from the Chair to second the motion; carried.

Eric presented: This is a request for an exemption from the definition of subdivision on a 41.81 acre tract of land located at 0306 County Road 323, Rulison.

The applicants are requesting to subdivide, by exemption, the tract into three (3) parcels of 10.0, 11.8 and 18 acres each, more or less. The existing home and other structures would be located on the 18 acre tract. Chairman Smith requested as a plat note that the applicants designate building envelopes outside the quit claim portion of the tract and no construction be permitted except within these.

Rick Bentley stated the entire parcel is under contract. One buyer will have the entire piece.

Wayne Wells - has 265 acres and his concern was the water issue.

Chairman Smith stated the regulations the County is under regarding the issue of water.

Evelyn Scott - 309 Road - water is a touchy situation in the Rulison area.

Chairman Smith suggested that is why the well is to be drilled and the proof of water standard is met.

Ross stated he was an engineer by trade and said the ones closest to the river will no doubt be getting water from the river.

Ross asked if a conditional approval would be attached.

Commissioner Arbaney stated he was in favor of an individual provision for selling dry land and therefore changes have been made.

Connie Earhardt - 6006 - 309 Road - stated it seems important that water is provided in land that is split off.

Commissioner Arbaney stated the Talbotts have to prove wells work prior to the final approval of this exemption.

Recommendations:

Staff recommends APPROVAL of the application, pursuant to the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00, per lot, (\$400.00 total) in School Impact Fees for the creation of all exemption parcels.
5. That the following plat notes be included:

"The 30 foot access easement shall be developed to a minimum width of 16 feet with an adequate area for fire trucks to turn around. These improvements shall be approved by the Grand Valley Fire Protection District prior to the issuance of a Certificate of Occupancy for Parcel 3."

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade. Additionally, a fire break of at least 60 feet shall be provided between buildings and native, non-irrigated, pinyon-juniper trees."

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."

"The individual lot owners shall be responsible for the control of noxious weeds."

6. That, prior to the authorization of an exemption plat, the applicants receive an approved driveway permit for the proposed access, from the Garfield County Road and Bridge Department.
7. That all well permits be issued by the State Engineer's Office, prior to the authorization of an exemption plat and a water sharing declaration be recorded.
8. That both wells be drilled a pump-tested for four (4) hours with the results presented to the Planning Department along with a statement by the individual conducting the pump test that the well(s) is capable of supplying the intended uses.
9. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of a Final Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
10. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.

11. That the exemption plat shall identify building envelopes that are entirely outside of the floodplain of the Colorado River and the adjacent meander land, as identified on the Eshe-Life Estate Map.

Condition No. 11 was read into the record. "That the exemption plat shall identify building envelopes that are entirely outside of the floodplain of the Colorado River and the adjacent meander land, as identified on the Eshe-Life Estate Map."

A motion was made by Commissioner Arbaney to grant an exemption from the definition of subdivision for Ross M. and Rebecca Talbott on a 41.81 tract of land as described in the staff packet with all major issues and concerns, suggested findings, and recommendations with the addition of Condition No. 11 as read into the record. Chairman Smith stepped down from the Chair to second the motion. Motion carried.

Executive Session - Angela DeFoor

A motion was made by Commissioner Arbaney to go into an Executive Session to discuss Angela DeFoor. Chairman Smith stepped down from the Chair to second the motion; carried.

Adjournment: 6:30 P.M.

Attest:

Chairman of the Board

SEPTEMBER 9, 1996
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 9, 1996 with Chairman Marian Smith and Commissioner Elmer (Buckey) Arbaney present. Also present were: County Administrator, Chuck Deschenes and County Clerk and Recorder, Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M. She stated that Commissioner Mackley is still recovering. He is always available to the Commissioners by phone, however he is not able to drive this far nor sit for long periods.

Purchasing

Mike McBreen presented a Trucking Services Agreement for material hauling of gravel and rotomil. Bids were received from Harry's Heavy Haulers, Western Slope and Bogue Construction. The contract award was to Bogue Construction to obtain services of the Contractor for hauling road base from the Western Slope Aggregate Pit at the rate of .276 per ton mile; and for rotomilled asphalt from the Dotsero I-70 Interchange to specific areas along the County Road #100 at .1195 per ton mile.

A motion was made by Commissioner Arbaney to award the bid to Bogue Construction Co. for the amounts as specified above. Chairman Smith stepped down from the Chair to second the motion. Carried.

COUNTY ADMINISTRATOR

Budget Hearings

October 28th & 29th were set for budget meetings in Room 301. October 28th beginning at 8:30 A.M. and October 29th at 10:00 A.M.

Air Traffic Expanding

Chuck reported Western Pacific was expanding their service and Rifle may be considered. He also reported on the Air Conference.

Auction

Chuck stated he has applied for a State Grant to help with snowplows for the Airport.

RFTA

Roaring Fork Transit Agency, the primary transit provider in the Roaring Fork Valley, has made a request for assistance during this budget year. RFTA submitted a draft proposal for the Commissioners to review. Chuck stated they need to appear before the Commissioners on October 29th during Budget Hearings and submit a specific dollar request in writing.

Veterans

Richard Lowe hasn't been approved as yet. There is a training session available that Richard can attend to obtain the training necessary to do the job.

Governmental CPA's Conference

Chuck stated he will be attending a Governmental CPA's conference on September 11th; and also announced there is a CAPP Board meeting at the end of month.

Jail - Direction

Dave Wattenberg will call today to see what he can do to help us and also he wants to know what do we want him to present.

Letter of Agreement

Mildred Alsdorf presented an IGA which designated her as the Elections Officer for 1996 and for funds to pay for the election.

A motion was made by Commissioner Arbaney to appoint Mildred Alsdorf as the Elections Officer for 1996 and to pay for the election costs. Chairman Smith stepped down from the Chair to second the motion. Carried.

JAIL DISCUSSION

Tom Dalessandri, Don DeFord, Dale Hancock, and Al Maggard and Dave Sturges from the Jail Advisory Board were present.

Chairman Smith inquired of the Sheriff regarding some food items of exceptional cost and suggested a bid process for the produce. Tom reported they served 16,092 meals last week in the jail and having the food delivered in a timely manner was of utmost importance.

Jail Discussion

Total - 114. 42 main jail; 41 Work Release; 6 females; 23 other jails; 1 Home Detention; 1 State Hospital; No Day Reporting; 5 DOC; 7 Workender Program. Dale stated the Workender participants are keeping busy.

Chairman Smith brought up the dirty hallways and having the work release inmates doing these over the weekend. Tom agreed to look into this with Rich.

Al Maggard reminded the Commissioners of the Jail Advisory Board Meeting to be held on Thursday, September 12th at Hotel Colorado.

The process of transporting a DOC prisoner was discussed. Tom stated the County delivers the inmate who goes to the main intake unit at Canon City. He stated it would be helpful if all prison facilities could be centralized.

Transport deputies are in the process of forming an Association in order to cooperate more effectively. They are having quarterly meetings, fairly organized and have targeted some key points to address in a lobbying effort.

Tom stated the Sheriff's Association is taking an active part in Community Corrections. Tom said this is a new position for the Sheriff's Association.

Dave Sturges discussed the cost of housing inmates out-of-area. The cost of Gilpin, Grand and Delta average in the \$47 - 50/day range without the cost of transportation. He said that DOC pays us \$43 per day. Gilpin has an agreement of \$43/per day for rates. They cut us a break as long as they have the bed space.

Tom stated he has had several conversations with DOC trying to get these inmates out of our jail within a better time frame.

Community Corrections

Dale Hancock reported that he had obtained a Zoning map for the City. There is a possibility of boarding some of the inmates. Both the Silver Spruce and the Ramada Inn fall into the Zoning of C3. The Antlers and Starlight are Zoned C2.

Dale stated the zoned R-4 is transitional with a special permit. And that from 11th street out to 13th Street on Grand Avenue, on both sides of the streets in Zoned R-4 which is transitional with special permit. The Mountain View Building is Zoned R-4.

The cost was estimated at \$8,050 per week or \$418,600 per year to house inmates in other jails.

The Commissioners asked Dale to conduct an investigative research for R-4 and C-3 Zoning.

Executive Session - Jail Issues and Consent Decree

Commissioner Arbaney made a motion to go into an Executive Session to discuss the jail issue and the Consent Decree. Chairman Smith stepped down as Chair to second the motion. Carried.

Commissioner Arbaney made a motion to come out of Executive Session. Chairman Smith stepped down as Chair to second the motion. Carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Joan Matranga from Community Office of Resource Efficiency came before the Board. She stated this was a non-profit organization funded by Holy Cross Electric, City of Aspen through the utility, Snowmass Village and KN Energy. The group was funded originally by citizens and over the year the citizens participation in Pitkin County wanted to have a resource efficiency office.

They hold an energy forum once per year to bring citizens information about resource issues, energy efficiency and local energy. This year they decided to hold the forum in the City of Glenwood Springs to build more consensus within the valley on some of the issues they are currently working on. The City of Aspen actually requested the office handle it in this manner.

Joan stated she was attending the Board of County Commissioner's meeting to introduce the agenda and ask participation in the forum. She stated the agenda covers energy and transportation issues.

This year the focus of the forum will be on "wind power project." The forum will be held on October 18, 1996 at the Hotel Colorado. She requested financial support of \$300 - \$500.

Joan handed out packets to the Commissioners which contained all the pertinent information. No decision was made on financial support.

Executive Session - Legal Matters

A motion was made by Commissioner Arbaney to go into an Executive Session to discuss legal matters. Chairman Smith stepped down from the Chair to second the motion. Carried.

A motion was made by Commissioner Arbaney to come out of Executive Session. Chairman Smith stepped down from the Chair to second the motion. Carried.

COUNTY BUSINESS - BUILDING AND PLANNING REPORT

Mark Bean submitted a current planning report which included updates on the Subdivisions and and Senate Bill 35 Exemptions: Mitchell Creek PUD - discontinued; Los Amigos Filing No. 5 - plat unscheduled; Rapids on the Colorado - October; Petts/Holmes - Cattle Creek - October 2; Sunlight View II PUD - withdrawn - some amendments - resubmit in October; Grace Bible Church - Battlement Mesa PUD - October 7; Ranch at Roaring Fork - area around Relay Station - unscheduled. Jackson/Holy Cross - rezoning - unscheduled.

SB 35 Exemptions included: Chandler - conditional approval - continued until the new owners have time to finalize; McCune today; Bershenyi and Powers - Sept. 16th; Haff - unscheduled.

Land use permits: Nieslanik today; Questar SUP - Pipeline - September 16th; and Skinner - CUP- Home Occupation - October.

Mark reported on the update of the GoCo Grant to assist open space planning. The submittal of grant agreement and draft of the plan were received on September 3 and the request for proposals is due November 1, 1996.

Mark stated the current planning reports ending August 1996 show we are ahead of the busiest year since 1982 with 287 permits; and 180 residential permits. YTD recaps - include: \$330,972 permits; \$14,852 sewage; and \$31,766 planning.

Resolution - Evans and Burchfield

A motion was made by Commissioner Arbaney to approve a resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for Jack Evans, Jr. and Billie Burchfield. Chairman Smith stepped down to second the motion. Carried.

County Operations

Dale Hancock reported and presented the asset purchase and lease agreement between the Board of County Commissioners of Garfield County, Colorado and Channel 20 TV Company for five television translator stations, licensed one each to Sunlight Peak, Lookout Mountain, Anvil Points, Coal Ridge, and Dog's Head, Colorado. The contract is for \$20,000.

A motion was made to sign the sale and lease agreement with Channel 20 which goes from August 29, 1996 to August 29, 1997. Chairman Smith stepped down to second the motion. Carried.

Dale presented a Memorandum of Lease which would renew the lease for nine (9) additional years for the same lease fee. This issue was tabled.

Dale presented the Channel 11 proposal of a document similar to Channel 20. They want to lease hardware and license on an interim basis.

DEPARTMENT HEADS

Extension Center

Carol McNeel reported on the office moving update. She announced the achievement awards would be held Sunday, November 3rd in Rifle with a possible 350 to 400 people attending. The Senior Center in Rifle was suggested as a place to hold the event. Carol also reported that the Garfield County Fair went well.

CONSIDERATION RESOLUTION OPEN FIRE ORDINANCE

Guy Meyer Emergency Preparedness Coordinator and Don DeFord presented. Guy reported the moisture content was below the 15% level.

A motion was made to continue Resolution 96-53 by Commissioner Arbaney. Chairman Smith stepped down as Chair to second the motion. Discussion: A decision was made to post the Resolution on the Fire Ban in the dispatch center so the operators could advise callers on the location to obtain a permit. Motion carried.

County Attorney

Don DeFord presented two bills regarding services at the jail: Dr. Leidig for \$4,000 which dates back to February and March review of the jail; and Dubosky for \$3,000 involving Judge Maisch's order to show cause.

A motion was made by Commissioner Arbaney to authorize \$7100 for both Dr. Leidig and Dubosky's bills as presented and approve a budget amendment. Chairman Smith stepped down as Chair to second the motion; carried.

RFTA - FUNDING DISCUSSION

Dan Blankenship of 8201 Elk Lane, Basalt and Dave Sturges presented the RFTA proposal summary and provided an information session. RFTA is an organization formed by Pitkin County in 1986 consisting of a 5 member board and ex-officio members. Dan stated this is the beginning of a Valley-Wide Transportation System which started providing services first from Aspen to El Jebel; then to Carbondale; and expanded to Glenwood Springs in 1993.

Exhibit A - organizational chart was presented to the Commissioners. Dan stated there are currently 192 employees and all are from the County.

Exhibit B - shows what is happening within a 5 year view. He added that since 1991, an overall total of 2,143,000 individuals have been served. In April of 1994, RFTA expanded down valley services to every hour. The greatest increase in mileage is down valley also and RFTA is growing at 15% per year. With parking, traffic, and environmental awareness issues so prevalent, RFTA is gaining additional commitment from passengers. There has been an increase from 120 employees to 192 in five years and from 50 vehicles to a current figure of 91. To compensate the expansion, RFTA had to rely on purchasing used equipment. RFTA is paid for by: Sales Tax - 4.9 million and the remainder is composed of fares, State grants, and contributions.

Dan submitted a request to the Commissioners to consider participating monetarily. He added that RFTA administrators want to have a meeting with the Commissioners.

Chairman Smith suggested having an evening meeting in the form of a public meeting and allow the public to hear the entire conversation as well as provide feedback to RFTA.

The Commissioners suggested RFTA submit a formal proposal to be considered during budget hearings.

ROAD AND BRIDGE DISCUSSION/PAVEMENT MARKING NOTICE OF AWARD

King Lloyd was in Denver and there was no report.

PUBLIC MEETING: SUBDIVISION EXEMPTION LOCATED APPROXIMATELY ONE MILE WEST OF SILT ON CR 236. APPLICANT: GEORGE MCCUNE

Eric McCafferty, Don DeFord, Phillip McCune of 2730 State Hwy. 13; George McCune of 3655 100 Rd, Car; and Johnny Strong of 2500 133 Road in Carbondale were present. Don determined that adequate notification was properly handled and advised the Commissioners they were entitled to proceed. Eric presented: This is a request for an exemption from the definition of subdivision on a 6.34 acre tract of land located west of County Road 231, adjacent to the town boundary of the Town of Silt.

The applicant proposes to subdivide by exemption, the tract into two (2) parcels of 3.0 and 3.34 acres each.

Staff recommends CONTINUANCE of the application, to allow the petitioner time to demonstrate a legal water supply for both proposed lots. Upon the petitioner satisfactorily demonstrating a legal water supply, staff recommends approval of the application pursuant to ten (10) conditions.

A motion was made by Commissioner Arbaney to grant an extension for George McCune setting December 16th at 2 P.M. Chairman Smith stepped down from the Chair to second the motion. Carried.

Eric was instructed by the Commissioners to refer this to the Town of Silt since this property is within the 2 mile area.

PUBLIC HEARING: RESORT LOCATED 1/4 MILE EAST OF CARBONDALE ON BLUE HERON LANE. APPLICANT: ROBERT NIESLANIK

Mark Bean, Don DeFord, Bob and Diane Nieslanik were present. Don determined that adequate and timely notice was submitted and stated the Commissioners were entitled to proceed.

Mark presented the following Exhibits: Exhibit A - proof of publication; Exhibit B - returned receipts; Exhibit C - application and attachments; Exhibit D - staff report; Exhibit E - letter from Gary and Lisa Carmichael; Exhibit F - letter from Peronelle Phillip; Exhibit G - letter from R. Allen Mayfield; and Exhibit H - letter from John H. Jacobson. Chairman Smith admitted Exhibits A - H into the record.

Mark stated: This a request for a Special Use Permit for a Resort on a 112.8 acre tract of land located approximately one-fourth (1/4) mile east of Carbondale off of CR 100 and Blue Heron Lane. He stated the letters included in the Exhibits express concern of the use of the road. Some other concerns related to the use of the property regarded hunting and fishing.

Staff recommends that the Board continue the hearing to provide a road design that can meet the floodplain requirements for culverting and filling in a regulated floodplain. He further added that as a condition of approval would be a copy of the actual publication and the date.

Bob Nieslanik of 0829 165 Road clarified that the two cabins were already on the property; one would be used for a permanent residence and the other to be rented out with potential hunting renters one month out of twelve.

The Commissioners stated that the use of the road was of concern as there is no legal right-of-way on Blue Heron Road. Chairman Smith suggested the Nieslaniks sit down and meet with the neighbors and get these issues worked out.

A motion was made by Commissioner Arbaney to continue this until October 7th at 11:00 A.M. Chairman Smith stepped down from the Chair to second this motion. Motion carried.

PUBLIC HEARING: FLOODPLAIN SPECIAL USE PERMIT LOCATED SOUTH OF THE INTERSTATE 70 REST AREA IN RIFLE. APPLICANT: WAYNE RUDD

Eric McCafferty, Don DeFord, Tim Beck, Roland Carter and Wayne Rudd were present.

Don determined that adequate and timely notification was made and stated the Commissioners were entitled to proceed.

Eric submitted the following Exhibits: Exhibit A - Proof of publication; Exhibit B - returned receipts; Exhibit C - application and attachments; Exhibit D - Project information; and Exhibit E- a copy of the 1978 as amended Garfield County Zoning Regulations. Chairman Smith admitted Exhibits A- E into the record.

Eric presented: This is a request for a Floodplain Special Use Permit for the excavation and placement of fill within the floodplain of the Colorado River on a 11.7 acre tract of land located south of the Interstate 70 rest area near Rifle.

The applicant is requesting the issuance of a Floodplain Special Use Permit to allow the excavation of river gravel and the placement of fill within the 100-year floodplain of the Colorado River. The applicant has represented that there is no intention of selling the excavated material and that it would be solely used as fill material on the subject tract and an adjacent parcel, which is also owned by the applicant.

Based on the analysis, staff recommends this request be CONTINUED to allow the applicant time to demonstrate he has the authority to use the materials that would be excavated. If at the time of the public hearing the applicant satisfactorily demonstrates his legal right to use the materials, then staff recommends APPROVAL of the Floodplain Special Use Permit, pursuant to 5 (five) conditions as recommendation which were not read into the record at this time.

Speakers to this issue included: Wayne Rudd; Richard Deming of 1212 CR 220; and Mary Fedora of 12102 CR 220.

A motion was made to close the Public Hearing by Commissioner Arbaney. Chairman Smith stepped down as Chair to second the motion; carried.

A motion was made by Commissioner Arbaney to grant the Floodplain Special Use Permit for Wayne Rudd as identified in the staff packet with all major issues and concerns, suggested findings, and recommendations. Chairman Smith stepped down as Chair to second the motion; carried.

PUBLIC HEARING: SUP KENNEL LOCATED APPROXIMATELY FOUR MILES EAST OF PARACHUTE ON CR 301. APPLICANTS: LINDA AND MONTE O'NEAL

Eric McCafferty, Don DeFord, Linda and Monte O'Neal were present.

Don determined that adequate and timely notice was given and stated the Commissioners were entitled to proceed.

The following Exhibits were submitted: Exhibit A - proof of publication; Exhibit B - returned receipts; Exhibit C - application and attachments; Exhibit D - project information; Exhibit E - a copy of the Garfield County 1978 amended Zoning Regulations. Chairman Smith admitted Exhibit A - E into the record. This is for several Special Use Permit Modifications which includes the water supply and the size of the kennel.

Staff suggests the following course of action as a discussion topic and possible condition of approval:

- The Board allow the cistern as the water supply for the kennel, as originally proposed, with the provision that if the operation ever increases in size or after an elapsed amount of time (5 years) the applicants be required to amend their well permit to reflect the "commercial" use of the well.
- The amendment to the well permit could also occur concurrently with the operation of the kennel.

Exhibit F - a letter from Toby's Vacuum Truck Service stating he will supply water to the O'Neals indefinitely regarding filling the cistern with water obtained from various cities and town nearby that offer services to purchase water was submitted. Chairman Smith admitted Exhibit F into the record. Chairman Smith added the O'Neals needed to change their well permit to a commercial use versus a private home use.

Recommendation

Staff recommends APPROVAL of the application, subject to the following conditions:

That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

The kennel shall be completely enclosed within a building that prevents any sounds from emanating from the property boundary.

No dust, noise, odors or source of filth shall emanate from the property.

An individual sewage disposal system capable of handling all waste for the kennel shall be installed and documentation of this fact shall be provided to the Planning Department, prior to final approval of the Special Use Permit.

Prior to final approval of the Special Use Permit, the owner/operator of the kennel shall be required to enter into a long-term contract with an entity that has the legal and physical ability to supply water for the kennel operation. After a term of no more than five years from the date of approval of the Special Use Permit, the owner/operator shall be required to provide a well permit that allows for a commercial use of the well and specifically state the well has been permitted as the water supply for the operation of the kennel. Upon satisfactorily demonstrating the above, the applicants shall be allowed the expansion of the kennel operation, consistent with the proposed modifications contained herein. Specifically, the boarding of up to 25 dogs and 10 cats. Any further expansion in the size or nature of the kennel operation shall require another modification to the issued Special Use Permit.

No outdoor dog runs will be allowed.

Only one (1) sign may be allowed on the property which is further subject to all provisions of Section 5.07 of the Garfield County Zoning Resolution of 1978, as amended.

All construction of the building and attendant facilities shall be subject to County permitting and the Uniform Building Code of 1994, as adopted.

The Special Use Permit for the kennel shall be issued upon demonstration that the applicants have satisfactorily met all conditions or approval contained herein.

With the exception of Condition No. 5 all recommendations were approved in the original proposal in June of this year.

Arthur Weisner, neighbor of the O'Neals was present. He commented on the potential noise factor associated with a kennel.

A motion was made by Commissioner Arbaney to continue this matter until September 16 at 4:45 P.M. in order to allow the O'Neals time to submit a viable source of water other than as provided in Toby's Vacuum Truck Service's letter which was accepted into the record as Exhibit E. Chairman Smith stepped down as Chair to second the motion; carried.

INTERPRETATION OF RESOLUTION 80-52 SODERBERG

Sam Phelps representing Sody Soderberg presented handouts which included the Assessor's maps showing the exempted parcel dated 9/1/72 and later amended in 1975. In 1980 Resolution No. 52 was approved exempting the creation of four parcels from the Subdivision Regulations of Garfield County. Parcel E of 7.8 acres was omitted through an error. The property parcel is split by a road and should be subject to the same terms, conditions and limitations of this Resolution No. 80-52 which addresses Parcels A through D.

A motion was made by Commissioner Arbaney to amend the terms of Resolution 80-52 to include Parcel E of 7.8 acres as determined as an error. Chairman Smith stepped down as Chair to second the motion; carried.

CONSIDERATION PROPOSED AMENDMENT TO FINAL PLAT MOUNTAIN MEADOWS AT PRINCE CREEK.

Mark Bean, Don DeFord and the following were present for the discussion.

John Schenk - 302 Eighth Street - Glenwood Spgs.

David Hicks - County Road 111 - Carbondale

Flaven Cerise - 1217 Catherine Court - Carbondale

Dr. William Allen - Carbondale

Bob Emerson, Attorney, 1213 County Road 111 - Carbondale

Wilmer Allen - husband to the property owner

John Cerise - 1205 CR 111 - Carbondale

Mark Bean presented. This is a public meeting to consider whether or not the changes made to the Mountain Meadows at Prince Creek Subdivision are substantial enough to warrant revocation of the Final Plat approval.

Discussion was held with input from the public as to what should be done regarding the final plat. No agreement could be reached by the surrounding neighbors. Those present realized there was a problem, the solution was not so visible.

Don DeFord commented that today's meeting was to decide on what process to follow. The specific drainage plan that was submitted was not followed.

John Schenk stated Option 1 - the data was taken and offered a solution which was to direct the water back; Option No. 2 - under the covenant, an easement was given to the Association, and this could be used restoring the drainage to its historical years; and/or Option No. 3 - divide into four ponds.

A decision was made to explore these Options; have the property owners get together; decide on a plan; and come back to the Commissioners with a new hearing.

Don directed the discussion back on track stating the final plat has been signed off and a subdivision improvement agreement in place. Now this discussion is inconsistent with that document. John Schenk has conveyed lots to other parties based on the approval and security in place. This discussion today was to decide whether the approval should be revoked. The concern Don has is: are there going to be any more lots conveyed in this Subdivision pending resolution of this matter; and secondly how to treat something that is going to be inconsistent with the approval that has been given? The discussion today should have taken place at the preliminary plan stage.

Don determined a commitment from Attorney John Schenk that no more properties would be conveyed until this problem was solved.

The next meeting to discuss this issue should require all property owners to be notified when this matter is discussed.

John Schenk suggested 30 days to hold another discussion.

Commissioner Arbaney made a motion that the Chair be authorized to sign an agreement under the Subdivision Improvement Agreement that no additional lots would be conveyed until this date. Discussion - all property owners that might be affected by the Ella Ditch should be contacted. The next date set for this matter was set for November 4 at 3:30 P.M. Motion carried.

Adjournment

Commissioner Arbaney made a motion to adjourn. Chairman Smith stepped down as Chair to second the motion; carried.

Attest:

Chairman of the Board

SEPTEMBER 16, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 16, 1996 with Chairman Marian Smith and Commissioner Elmer (Buckey) Arbaney present. Also present were: County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M. Chairman Smith announced that Commissioner Mackley was still not able to sit for long periods but was available by phone.

COUNTY ADMINISTRATOR

Chuck Deschenes presented his report to the Board.

Bid - Painting the Bleacher

Mike McBreen presented a bid for \$20,774.00 from Hoffmeister Painting for painting all the bleachers at the Fairgrounds (inside and outside the building), the announcer booths, and the cement wall in front of the bleachers. Lee had estimated \$25,000 so this bid may be within the ballpark.

A motion was made by Commissioner Arbaney to approve the bid by Hoffmeister Painting for \$20,774.00 to paint the bleachers and buildings at the Fairgrounds. Chairman Smith stepped down as Chair to second the motion; carried.

Human Service Commission

Cheryl Hurst appeared before the Board in regard to a question related to The Legal Center from out of Grand Junction. They submitted a request to be appointed to serve on the Garfield County Human Services Commission. Cheryl clarified their participation. Chairman Smith recommended they be appointed for one year as an Ex-Officio member.

Cheryl presented another applicant's request to serve on this Commission, Marilyn Hammer representing Children and Family Network.

A motion to appoint the The Legal Center to the Human Service Commission as an Ex-Officio Member and Marilyn Hammer of Children and Family Network as the voting member of the Human Service Commission. Chairman Smith stepped down as Chair to second the motion; carried.

Bills

Chuck presented the bills for review for the 1st run of August 1996.

A motion was made by Commissioner Arbaney to pay the bills as submitted for the 1st run of August 1996. Chairman Smith stepped down as Chair to second the motion; carried.

Chairman Smith suggested a Personnel Policy regarding use of the Internet on employee paid-time other than for County related business.

Weed and Pest Control

Mark stated that Dave Gallagher will be giving a proposal out for the Commissioners regarding weed control for next year.

Waste-Water Treatment Plant - Rifle Correctional Facility

Don DeFord stated the Commissioners would have an opportunity to review the site-application as being submitted. This was set for hearing in October on the Planning Commission. In particular, the waste-water site application for the Rifle Correctional Facility.

Authorization to Appoint Richard Lowe as Veteran's Officer

A motion was made by Commissioner Arbaney to authorize the appointment of Richard Lowe as Veteran's Officer. Chairman Smith stepped down as Chair to second the motion; carried.

JAIL DISCUSSION

Sheriff Tom Delassandri, Dale Hancock, Don DeFord and Doyle McGinley were present.

Jail Count

Total in Jail: 128 without workenders. A total of 132 on Sunday. 49 main jail; 44 regularly since Friday; 43 Work Release; 5 females; 27 other jails; 2 Home Detention; no Day Reporting; 5 DOC; and 6 in Workenders. These were booked into jail but not incarcerated, however, they are technically prisoners and would require 6 beds if the Workender Program were not in effect.

A discussion was held regarding opportunities within the Zoning R4 areas in Glenwood to house work release inmates as one possible way to alleviate the overcrowding at the jail on a temporary basis. Dale Hancock reported his findings and review of several potential locations. The Bowling Alley was a possibility. Tom had been in contact with a manufacturer of temporary housing and also reported the Department of Corrections is willing to let the County have a temporary building if it was possible to do site work and place the building on the UPL site.

Additionally, renewed conversations with the City of Glenwood Springs was suggested as well as sending a report of the jail count to the City listing the arresting entity.

Executive Session

A motion to go into Executive Session was made by Commissioner Arbaney to discuss the Consent Degree and the impact made by the high numbers of the population of the jail. Chairman Smith stepped down from the Chair to second the motion; carried.

Quit Claim Deed - Berthod Motors

Don DeFord presented the quit claim deed for the property south of the Sunlight Bridge to Berthod Motors for the purchase price of \$2662.50 and requested the Chair be authorized to sign.

A motion was made by Commissioner Arbaney to authorize the Chair to sign a quit claim deed for a piece of property south of the Sunlight Bridge (27th Street) to Berthod Motors. Chairman Smith stepped down as the Chair to second; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Chris Locher of 23083 Beaver Creek Road - Rifle appeared before the Commissioners and presented a proposal which involved repairing County Road 317 and assisting him in controlling of traffic to aid in the moving of their 1,000 head of cattle. Chris stated Barrett Resources has a drilling operation using this county road which has created an intense traffic situation and some blocking of the road at times which has hindered him in moving his cattle. In addition, part of the problem as well is a logging operation run by Bryan and Scott Brady. Chris stated he had been in contact with Mark Bean regarding this particular complaint about the traffic and road conditions. Mark suggested Chris appear before the Commissioners to address these concerns. Chris offered to fix the road unless it would be a problem for the County.

Don DeFord stated that he did not have a problem in them doing this as long as they do the work and meet Road and Bridge standards.

The Commissioners also requested Mark to contact Bryan and Scott Brady and Barrett Resources regarding the use of chains on water hauling rigs and the damage being done to the road. Also, to inform them of the 35 mph speed limit and respectful of the open range in that area with cattle going up and down. They wanted Mark to reinforce the fact that everyone must work together.

DEPARTMENT HEADS

Mark Bean stated his department had received the application for site approval for the Waste Water Treatment Plant at Rifle Correctional Facility. He informed the Commissioners the issue would go before the Planning Commission on October 9th. This is an issue which is not necessary for a public hearing. The Commissioners are allowed to make a recommendation to the Water Control Commission with respect to this particular site application. If the Commissioners make a recommendation of denial, this would carry a lot of weight in terms of how the State deals with it. Mark stated the Planning Commission is required to make their own comments in this phase as well.

Chairman Smith stated she had been informed that maybe a letter from the Commissioners might make the State look at this again.

Don DeFord stated the comments the Commissioners make should be in regard to a site review and secondly to have some type of expert analysis the situation.

Mark suggested there was no one within the County with the expertise to review a site application of this nature and suggested a local engineer could be retained to provide a report.

Mark suggested Wright Water Engineering; Dean Gordon; or Louis Meyer and to allow an 8 hour day with a 2 hour report considering the cost at \$75 - \$100 per hour.

Commissioner Arbaney made a motion to authorize the Chair to sign a letter agreement with a cap of \$1,000 and to require the engineer to provide a written report to the Commissioners.

Mark was instruction to contact Louis Meyer and retain his services in a timely manner.

Chairman Smith stepped down as Chair to second the motion; carried.

Mark stated the Department of Health is aware that the application is being submitted, but they have not seen it yet. A date was set for October 14th on the Commissioner's Agenda for the Site Application for Waste Water Treatment Improvement - Rifle Correctional Center at 5 P.M.

Resolution - Jackson - Name Change

Mark stated he had a conversation with John Kemp in regard to amending the Resolution for Dr. Jackson to Lazy H Slash Eleven which is the company that is making the application and some number changes due to a scrivener's error.

A motion was made by Commissioner Arbaney to authorize the Chair to sign a resolution concerned with amending Resolution No. 96-059 (Jackson) regarding a scrivener's errors. Chairman Smith stepped down as Chair to second the motion; carried.

Exemption Extension - Barton and Bill Porter

Mark presented a request to extend the exemption of two (2) Barton and Bill Porter applications and Bill Porter for 120 days.

A motion was made by Commissioner Arbaney to extend the time period for Barton and Bill Porter and Bill Porter. Chairman Smith stepped down from the Chair to second the motion. carried.

Treasurer

Georgia Chamberlain presented a verbal request she had received over the telephone to assign County held tax sales on lots in Rifle Village South which needs to be done by the Commissioners. Georgia stated she had spoken to Don DeFord and to Mark about this. Georgia stated the Commissioners are the ones who have the authority to assign a tax sales and a certain amount of authority to sell at the price they want. The lots are at the bottom of the hill and the water comes in the soils and affect piping problems. These lots are in the category of lots that have been platted and blocked, the building and planning department cannot deny a building permit on geological hazards. So should the County own these properties, it takes away the liability of these lots being developed. The discussion is what is the best interest of the County. Should the County own these lots are not. Georgia stated someone had requested a tax deed on these particular lots. However, at the time this was done, these lots were redeemed out. The dilemma now is someone asking the County's position on these lots.

A motion was made by Commissioner Arbaney to authorize the staff to prepare an application for review of the Planning Commission for the rezoning on this property in Rifle Village South as discussed to open space. Chairman Smith stepped down as Chair to second the motion; carried.

RESOLUTION FORMATION AREA TRAUMA ADVISORY COUNCIL

Sharon Eshelman from Valley View Hospital presented. Sharon stated the Commissioners have before them a resolution from Rio Blanco County Commissioners to begin the formation of the Northwest Area Trauma Advisory Council. Mesa, Pitkin, Routt, Garfield and Rio Blanco are the Counties Sharon has received input from regarding this council formation.

Don stated he had written a brief memo to the Board about the proposal identifying some concerns such as subject to appropriation language in the statute. Dale stated this may be an unfunded mandate throughout the State. Dale stated there would be a great deal of work to be completed at the County level for the submission of a trauma plan which is required by the legislation. He added that some of the mandates may be covered by a grant mechanism but the regulations being proposed are pretty burdensome with regard to what kinds of requirements are going to be placed on the medical pre-hospital community such as EMT's. Don added that currently they have a twenty minute response time for a County the size of Garfield. Dale stated the legislation has lumped Garfield between 12,000 and 100,000.

Dale stated as part of this, counties have to supply a description of their communication capabilities.

Don suggested using care in the formation of this council as Garfield County does have some good medical resources but wanted to avoid this county becoming burdened by having to supply all these services.

Chairman Smith stated to response by saying, "we are interested in working with them and the group." She added that July 1, 1996 was the first deadline to meet.

Don stated there was a sub-committee meeting in Grand Junction on October 3rd.

Sharon stated the cost for Valley View Hospital to qualify for a Level III Trauma Center Designation was estimated at \$20,000 minimum. This is just to get through the verification process.

DEPARTMENT OF SOCIAL SERVICES

A motion was made by Commissioner Arbaney to go into the Board of Social Services. Chairman Smith stepped down as Chair to second the motion; carried.

A motion was made by Commissioner Arbaney to come out of the Board of Social Services. Chairman Smith stepped down as Chair to second the motion; carried.

ALAN MATLOSZ-GEORGE K. BAUM/JAIL FINANCING

Chuck Deschenes, Don DeFord, Dale Hancock, and Alan Matlosz were present for the presentation regarding the Detention Center Financing.

Alan Matlosz presented a memorandum updating the Commissioners on the interest rates which have increased slightly over the past few months and to discuss a financing option which will allow the County to start locking their financing today even though the site for the jail is uncertain at this time. He stated he had several discussions the last several days with the rating agencies that would rate the issue of the County and about issuers who would ensure the bonds. The idea is a lease financing often referred to as Certificates of Participation wherein the County agrees on an annual basis to make principal and interest payments. The security for such financing is first their agreement to appropriate funds for that payment and secondly to enter into a mortgage on the jail so that the trustee would have a lien on that property in case the County didn't pay and third there is a reserve fund set up. When there is a new construction project it always makes it more difficult to get a rating for insurance and to sell this type of financing because there is a risk if there is a cost overrun what happens if it isn't built exactly right getting into mechanics lien, etc. Then there is another variable added of having it all come together on a location. The alternative is to do the financing but do not include the jail physically in the structure of the financing. This eliminates the problem of first of all having to say, we are trying to finance a jail but we don't know where it is. Secondly it eliminates all the construction risk that investors do not like. The thing that occurs is to use the Courthouse as collateral for financing which in fact the proceeds will be used to finance the jail. This is quite common especially in school districts. School districts have used lease financing a lot to make improvements at the schools.

Mr. Matlosz summarized: this financing structure offers the following advantages:

- 1) Construction risk is eliminated improving the chance for bond insurance;
- 2) Allows the County to complete financing now without having to wait for final site selection and design;
- 3) Lowers overall interest cost; investors prefer existing building as collateral;
- 4) County can invest proceeds at bond yield to make interest payments until money is needed.

A date of October 7th was set on the Commissioner's Agenda to continue to discussion and possible decision on the jail financing.

ROAD AND BRIDGE/CINDER BID

King Lloyd and Mike McBreen were present.

Mike presented the bid opening for 1/2" crushed cinders or 3/8" crushed rock. The following bids were received:

Mayne Block, Flagg Sand and Gravel, Roaring Fork Sand and Gravel and Western Slope Aggregates.

A motion was made by Commissioner Arbaney to authorize the crushed cinders rock to Mayne Block for either \$6.45 c.y. at the pit and \$4.70 c. y. at the pit approximately 2 miles Northeast of the plant at the quarry, Dotsero. Chairman Smith stepped down from the Chair to second the motion. Motion carried.

County Road 317

Chairman Smith asked King to report on County Road 317 as she had received several calls regarding road conditions.

King stated this was a section of road that falls under the primitive category and not the portion traveled to from by the local landowners. In the discussion, King reported Barrett Resources had volunteered to assist with gravel and grading on County Road 317. County Attorney Don DeFord had approved this assistance. The Board suggested King send a letter to Barrett Resources stating they need to send their graders out on County Road 317 and grade the road. Also to advise them that it was okay to dump some gravel on it also.

Occidental Meeting

King reported Occidental was very pleased with the work done by the County. Occidental will be phasing their other buildings out in 1998.

Commissioner Arbaney suggested the County may be interested in a specification building.

Chuck stated the Airport would be interested in the hanger building.

Mann Creek Property

The use of the Mann Creek property as a Road and Bridge shop location was discussed.

BOARD OF HEALTH

A motion was made by Commissioner Arbaney to go into the Board of Health. Chairman Smith stepped down as Chair to second the motion; carried.

Mary Meisner, Margaret Long and Mickey Rimmell were present.

Mary Meiser handed out her monthly report. She stated her department had written a Vision and Mission statement which requires a real team effort to accomplish. She stated in addition they had identified goals and objectives with specific activities and necessary actions to complete. Some of the objectives are time specific and some have already been completed.

WIC

Funding was originally cut back. However, Mary stated letters have been written to Russell George and Scott McInnis's office in hopes of having this decision reversed.

Hepatitis B

Mary stated that Hepatitis B was the biggest cause of Liver cancer. 100 times more contagious than the AIDS virus. She submitted a written request for a 1996 budget addendum for a cost of \$10,452.00. She stated the cost per dose is \$8.71 and they proposed to charge \$20.00 per which estimated to create a profit of \$13,548.00.

A motion was made by Commissioner Arbaney to vaccinate 400 high school seniors county-wide for a cost of \$10,452. Chairman Smith stepped down to second the motion; carried.

Commissioner Arbaney made a motion to come out of the Board of Health. Chairman Smith stepped down to second the motion. carried.

PUBLIC HEARING - NATURAL GAS COMPRESSOR LOCATED APPROXIMATELY TWO MILES WEST OF RIFLE. APPLICANT: QUESTAR PIPELINE

Eric McCafferty, Don DeFord, Questar Pipeline - David Ingleby of 79 Southstate, Salt Lake City; James W. Baum, senior designer; and Curtis Erhenback of Ranglely were present.

Don determined that proper and adequate notification were given and instructed the Commissioner could proceed.

Eric presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application with Attachments; Exhibit D - Project Information; Exhibit E - Copy of 1978 Garfield County Planning and Zoning Rules and Regulations.

Chairman Smith admitted Exhibits A - E into the record.

Eric presented: This is a request for a Special Use Permit for the construction and operation of a natural gas compressor for Questar Pipeline located on a 9.64 acre parcel of land located approximately 2 miles west of Rifle off of CR 264.

The applicant proposes the construction of a natural gas compressor, which would supply natural gas from the applicant's existing transmission line to the Rocky Mountain Natural Gas (RMNG) facility, located approximately 2000 feet to the west.

Recommendation:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. The amount of noise to be generated by the operation of this facility be consistent with the predicted decibels (dB) as indicated herein.
3. The construction of the foundation or pad for the engine-compressor unit be done in a manner to prevent perceptible vibration from occurring outside of the property boundary as it exists on the Property Survey Map. All construction will be done with respect to the shrink-swell potential of the soil, in order to mitigate any possible problems associated with the shrink-swell potential of the soil.
4. Approval is subject to adherence to the Terms and Conditions under which the construction permit, from the Colorado Department of Public Health and Environment has been issued, as well as any other permits which may be required for the construction or operation of this facility.
5. That the applicant will apply for and receive any and all building permits associated with the modification of the building which will house the compressor facility, if required by the 1994 Uniform Building Code.
6. That all out-of-state vehicles or equipment to be used for the construction of this facility be registered or apportioned within the State of Colorado or the County of Garfield.

7. That the applicant consult with the Rifle Fire Department and file an updated emergency plan with said Department.
8. That control of noxious weeds shall be the responsibility of the property owner.

A motion was made by Commissioner Arbaney to come out of public meeting. Chairman Smith stepped down to second the motion; carried.

A motion to grant a Special Use Permit for the construction and operation of a natural gas compressor for Questar Pipeline Company for a parcel of land as described in the project information and staff comments with all major issues and concerns, suggested findings, and recommendations adding No. 8 "That control of noxious weeds shall be the responsibility of the property owners." Chairman Smith stepped down to second the motion; carried.

LOS AMIGOS PRELIMINARY PLAN COMPLIANCE

Mark Bean, Don DeFord and Tim Thulson were present.

Mark submitted the proposal to the Department of Health and stated the findings were not given favorable response. Mark also stated he had verbal communication with Dwain Watson and an E-Mail August 19th. Mark read the memo into the record.

Mark stated the Commissioners have two options: The Commissioner can judge favorable or decide a non-response. Mark suggested the Commissioners request clarification.

Chairman Smith stated the Department of Health had given an unfavorable response replying Los Amigos ISDS needs to be updated to a central sewage in this subdivision.

A motion was made by Commissioner Arbaney to notify Los Amigos that Mr. Watson of the Department of Health's E-Mail of August 19, 1996 does not constitute a favorable response within the meaning of Section 30-28-136(1)(G). Chairman Smith stepped down as Chair to second the motion; carried.

PUBLIC HEARING - PUD ZONE DISTRICT TEXT AMENDMENT; BATTLEMENT MESA PUD. APPLICANT: BATTLEMENT MESA COMPANY

Mark Bean, Don DeFord, and Bill Wilde were present.

Don determined that adequate notification was given and stated the proof of publication was in order and the Commissioners could proceed.

Mark presented: Exhibit A - Proof Publication; Exhibit B - Application and all attachments; Exhibit C - Project Information and staff comments; and Exhibit D - a letter from William Wilde, VP of Operations of Battlement Mesa Company. Chairman Smith accepted Exhibit A - D into the record.

This is a request for a Planned Unit Development (PUD) Modification to the Battlement Mesa PUD text.

Recommendation Findings:

That the application submitted met the requirements of Section 10 of the Garfield County zoning Resolution of 1978, as amended.

That the public hearing before the Board of County Commissioners was extensive and complete and that all pertinent facts, matters and issues were submitted, and that all interested parties were heard at the meeting.

That the proposed PUD modifications do not affect the rights of the residents, occupants and owners of the PUD to maintain and enforce those provisions at law or in equity.

That the proposed PUD modifications are consistent with the efficient development and preservation of the entire PUD and does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the PUD or the public interest and is not granted solely to confer a special benefit upon any person.

Recommendation:

The Planning Commission recommended APPROVAL of the proposed PUD text amendment.

A motion was made by Commissioner Arbaney to come out of the Public Hearing. Chairman Smith stepped down as Chair to second the motion. Motion carried.

A motion was made by Commissioner Arbaney to approve a Planned Unit Development (PUD) Modification to the Battlement Mesa PUD Text as identified in the Project Information and Staff comments with all major concerns and issues, recommended findings, and recommendations. Chairman Smith stepped down as Chair to second the motion. Motion carried.

PUBLIC MEETING - SB - 35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY THREE MILES SOUTH OF GLENWOOD ON CR 117. APPLICANT: JOHN BERSHENYI

Mark Bean, Don DeFord, John Bershenyi and Jean Edmonds of 1099 Valley View Road were present. Don determined that adequate notification and publications were made and stated it was appropriate for the Commissioners to proceed.

Mark presented: This is a request for an exemption from the definition of subdivision for John W. Bershenyi for a 206.95 acre tract of land located three (3) miles south of Glenwood Springs, off of CR 117.

The parent tract of land to be subdivided consists of 206.95 acres, and the proposed calls for creating a total of four (4) parcels of 2.278, 2.278, 2.893 and 199.5. The three smaller parcels will share a domestic well and utilize individual sewage disposal systems. Access will be provided by a 30' access/utility easement off of CR 117, that is presently a ranch road that is gated.

Recommendation:

Staff recommends APPROVAL, with the following conditions of approval:

That all representations of the applicant, within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.

That the applicant shall submit \$200.00 in School Impact Fees for the creation of the exemption parcel.

That the following plat note shall appear on the Final Exemption Plat: "Soil conditions on the site may require engineered septic systems and building foundations."

"Control of noxious weeds is the responsibility of the property owner.

Final approval is subject to a clarification of the types of fire protection measures that need to be provided for the Glenwood Springs and Rural Fire Protection District.

Prior to the approval of an exemption plat, the applicant drill a well demonstrating the following:

- 1) That a four (4) hour pump test be performed on the well to be used;
- 2) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- 3) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge;
- 4) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;
- 5) An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- 6) A legal, well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made for these costs.
- 7) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

8. Prior to approval of an exemption plat, the County Road & Ridge Department will either issue a new driveway permit for the exempt lots or a letter stating that no new permit will be required.

Glenda Farnum was present and stated she was present as an observer only to see what was going on.

A motion was made by Commissioner Arbaney to approve an exemption from the definition of subdivision for John W. Bershenyi on a 206.95 acre tract of land located approximately three (3) miles south of Glenwood Springs, off of CR117 as described in the project information and staff comments with all major issues and concerns, suggested findings and recommendations changing No. 5 to read "may" versus "will" require; and adding the plat note to include the restriction of only one (1) dog. Chairman Smith stepped down as Chair to second the motion. Motion carried.

PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY ONE MILE SOUTH OF RIFLE. APPLICANT: JOHN POWERS

Eric McCafferty, Don DeFord, Gil Beatty and Attorney Melody Massey of the Law Firm for John Powers were present.

Don DeFord determined that adequate notification and publication was given and stated the Commissioners could proceed with the meeting.

Eric presented: This is a request for an exemption from the definition of subdivision for John Powers on a 185 acre tract of land located approximately one (1) mile south of Rifle along County Road 320.

The applicant proposes to subdivide, by exemption, a 15.5 acre parcel from the 185 acre tract. This smaller parcel is physically separated from the remaining acreage by County Road 320 and the applicant is requesting to further divide the smaller parcel into two (2) parcels of 7.3 and 8.2 acres each for single family homesites.

Recommendation:

Staff recommends APPROVAL of the application, pursuant to the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00 in School Impact Fees, per lot (\$400.00 total), for the creation of the exemption parcels, prior to authorization of an exemption plat.
5. That the following plat notes be included:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant, if the lot has not previously been annexed to the City of Rifle."

"Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."

"The individual lot owners shall be responsible for the control of noxious weeds."

6. That all tap fees for the water service be paid, or an irrevocable water supply agreement between the petitioners and the City of Rifle be submitted to the Planning Department, prior to authorization of an exemption plat.
7. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
8. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.
9. That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended and any building shall comply with the 1994 Uniform Building Code, as adopted.
10. The applicant shall consult with Road and Bridge and receive any required driveway permits, prior to final approval.
11. The applicant shall adhere to all provisions of the letter submitted by the Rifle Fire Protection District, dated August 21, 1996.
12. Only one (1) dog will be allowed per lot.

A motion was made by Commissioner Arbaney to approve an exemption from the definition of subdivision for John Powers as described in the Project Information and Staff Comments with all major issues and concerns, suggested findings, and recommendations adding the condition of only one (1) dog. Chairman Smith stepped down as Chair to second the motion. Motion carried.

CONSIDERATION RESOLUTION OPEN FIRE ORDINANCE

Don DeFord reported and clarified the ranges of the levels of moisture content as reflected in the reports. Commissioner Arbaney stated he would be in favor of lifting the ban in some areas but no all. A decision was to meet at 8:00 A.M. on Monday, September 23 prior to personnel meeting to further discuss the options.

Rifle Corrections Facility - Letter Agreement for Site Application Review

A motion was made by Commissioner Arbaney to assign a contract signed by Louis O. M. Meyer, P.E. with Schmesser Gordon Meyer to perform a site review application for the Rifle Corrections Facility not to exceed \$1,000. Chairman Smith stepped down from the Chair to second the motion; carried.

Acknowledge of Satisfaction Subdivision Improvements Agreement

Mark Bean submitted an Acknowledge of Satisfaction Subdivision Improvements Agreement for Edward A. McCune and Dick Larsen for the Three Elk Run Subdivision for partial release \$1500 final release based upon statements from Peter Belau, P.E., Enartech Inc. that all improvements were completed as required in the Subdivision Improvements Agreement.

A motion was made by Commissioner Arbaney to approve the final release of \$1500 for Three Elk Run Subdivision as presented by Mark. Chairman Smith stepped down as Chair to second the motion; carried.

Dakota Meadows - Amended Plat

Mark submitted a request to authorize the Chair to sign the Dakota Meadows Duplex Amended Plat.

Commissioner Arbaney made a motion to authorize the Chair to sign the Amended Plat for Dakota Meadows Duplex. Chairman Smith stepped down as Chair to second the motion; carried.

**CONTINUED PUBLIC HEARING - SPECIAL USE PERMIT - KENNEL LOCATED
APPROXIMATELY 4 MILES EAST OF PARACHUTE CR 301. APPLICANT: LINDA AND
MONTE O'NEAL**

Mark Bean informed the Board that the O'Neals informed by letter that they were not going to be able to be here today as they could not obtain the information necessary and requested a continuance until October 14, 1996 at noon.

COUNTY BUSINESS

Smart Growth Conference in Grand Junction

Chairman Smith announced there was a Smart Growth Conference being held in Grand Junction on October 10th and suggested that Mark Bean may want to go.

Other business discussed included: Graduation at the Fairgrounds holding John Burwell responsible for clean-up costs only; Honeywell - building efficiency survey; and Purchasing versus rental costs for the Sheriff's and Social Services transports.

Adjournment

A motion to adjourn was made by Commissioner Arbaney. Chairman Smith stepped down as Chair to second the motion; carried.

Attest:

Chairman of the Board

OCTOBER 7, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 7, 1996 with Chairman Marian Smith and Commissioners Elmer (Buckey) Arbaney present. Also present were: County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

Chairman Smith noted for the record that Commissioner Mackley was still recovering. He had considered coming, however a lot depends upon how he feels this morning.

COUNTY ADMINISTRATOR

Consent to Mineral Leasing

A motion was made by Commissioner Arbaney to authorize the Chair to sign the memorandum from the Colorado Department of Treasurer regarding the consent to the mineral leasing distribution under Colorado State Statute saying if the mineral leasing to the County is in excess of \$250,000 then the excess is distributed to the municipalities. Chairman Smith stepped down from the Chair to second the motion; carried.

Extension

A date was set for November 22, 1996 to meet with Milan at 4 P.M.

Weed Management

Chuck presented the letter he had received from David Gallagher. Chuck requested discussion since the business has been sold and leaves an opening for weed management. He questioned the relationship the County now has with this firm.

A decision was to advertise taking into consideration of licensors and mapping. Chuck was to follow up and speak to Dave Gallagher. A weed advisory board is to be in place.

Suggestion: To draft a generic letter to send to all the landowners that they are responsible for weed control.

Yearly Audit - Yanari, Lyons & Co., P.C.

Commissioner Arbaney made a motion to extend the auditor contract for an additional year for Yanari, Lyons & Co., P.C. Chairman Smith stepped down as Chair to second the motion; carried.

Bills and Payroll

Chuck presented the September first run bills and September payroll for discussion and approval.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Dale Hancock, Don DeFord, and Doyle McGinley were present.

Jail Count

Tom reported Saturday there were 121 total count; Sunday 120; and today, Monday 116. 49 main jail; 26 Work Release; 4 females; 30 other jails; 4 Home Detention; no Day Reporting; 3 State Hospital; 11 DOC. Tom reported there were delay problems again with DOC. He stated they have had a total of 11 all month. The ones in other jails are at Gilpin.

Dale reported on the Weekender Program. There were 5 on Saturday and 7 on Sunday.

Tom reported the total cost for October to house the inmates in other jails was already at \$9,400.

Executive Session - Consent Decree/Federal Court

A motion was made by Commissioner Arbaney to go into an Executive Session to discuss these issues as relayed by Don DeFord. Chairman Smith stepped down from the Chair to second the motion; carried.

A motion was made by Commissioner Arbaney to come out of Executive Session. Chairman Smith stepped down as Chair to second the motion; carried.

Chairman Smith stepped down from the Chair to make a motion that Commissioner Arbaney meet and hold open discussions with Peter Stayton and John Shoup on the bowling alley. Commissioner Arbaney seconded the motion; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Cindy Crandall presented a proposal for the Colorado Animal Rescue, Inc. established by citizens of Glenwood Springs and Garfield County to address the critical need for an animal shelter. She presented the program and proposals were handed out. Cindy stated she was here to update the Commissioners. CMC is the target location and a total of \$103,000 was needed to fund the program. They have received \$75,000 from the City and in addition have raised \$27,696.78. These funds will stay in escrow until all the funds have been raised. A formal request to the County for funding will be forth coming. Chairman Smith suggested Cindy submit a budget proposal as soon as possible. Budget hearings are scheduled for October 28th and 29th. Commissioner Arbaney stated a possibility of in-kind contributions could also be requested.

COUNTY BUSINESS - EMPLOYEE OF THE MONTH

Bert Garlitz was awarded the Employee of the Month. King Lloyd was present for the presentation.

DEPARTMENT HEADS

Healthy Beginnings

Mickey Rimmell presented the contract from the Department of Public Health and Environment for \$85,000 and requested the Chair be authorized to sign.

A motion was made by Commissioner Arbaney to authorize the Chair to sign the contract with the Department of Public Health and Environment for Healthy Beginnings on their pre-natal contract. Chairman Smith stepped down as Chair to second the motion; carried.

County Administrator

Chairman Smith requested Chuck draft a letter to City Council thanking them for passing the Resolution in favor of the Garfield County Sales Tax.

Eagle Scouts

The letters for the Eagle Scouts were presented for signature of the Commissioners.

Lease - Channel 20 TV Company

Dale Hancock presented a two-part agreement with Channel 20 TV. First, the memorandum of lease between the Board of County Commissioners of Garfield County and Channel 20 TV Company regarding a CPI clause in the asset and lease agreement. Dale stated the original lease with Channel 20 was flat and this is an insert.

A motion was made by Commissioner Arbaney to sign off on the CPI clause for the asset and lease agreement for Channel 20. Chairman Smith stepped down from the Chair to second the motion; carried.

The second part of the deal is with KKCO Channel 11, NBC in Grand Junction regarding broadcasting from Anvil Points and Doghead. Dale stated he had sent them a proposal that addressed the equipment cost and the licensing cost. The total for Anvil Points and Doghead is \$2800 equipment and \$4,000 each for the licenses. The counter proposal was to give \$1,000 for both licenses and pay the \$2800 for the equipment. Dale stated he would like to see NBC come into the area but he wasn't in favor of giving it away. Therefore, Dale stated he proposed the lease agreement on these licenses would be for 3 years and 10% per year for licenses with a firm \$2788 for the equipment.

The Commissioners okayed and Don DeFord likewise for Dale to proceed. A decision was for the Board to stay firm at \$4000 per license.

ATAC - Resolution

Don DeFord, Sharon Eshelman and Dale Hancock participated in the discussion for ATAC. Don stated the preliminary steps to develop the Statewide Trauma Center for Garfield County by legislation needs to be in place by next year. Don stated he earlier looked at a proposed Resolution involving Moffat, Rio Blanco, Routt and Garfield County. He sent a memo out last month stating the original Resolution would be to form a preliminary advisory committee which will eventually lead to the Area Advisory Committee and highlighted some areas in the legislation that all parties needed to be aware of particularly in regard to financing. Don also stated he had spoken to Tim Cook from Rio Blanco County about some of the contents of the memo and Tim understands Don's position regarding the financing and the needs for the State to move forward and identify the sources of funding under the Statute if it is indeed to be a Statewide Trauma System. However, he agrees with Tim Cook at this point that he doesn't see any problem forming this preliminary advisory group. Don has also spoken to Sharon and she would like to submit some possible names for the Commissioners to consider appointing for the advisory. Don stated he felt the Board should authorize the Chair to sign a Resolution to form a Preliminary Advisory Committee to direct the original formation of the formal advisory group for this area.

A motion was made by Commissioner Arbaney to authorize the Chair to sign the Resolution and form a preliminary advisory committee for the Statewide Trauma Center that will in turn formulate the final group. Chairman Smith stepped down from the Chair to second the motion; carried.

Sharon submitted three names: VVH - Dr. Bevins, and Dr. Ross; Rifle Claggett Cleo Castle; and backing her up will be Mr. Ed Gast, Director at Claggett; the far west end will be David Blair who is an EMT with Parachute Ambulance and an instructor at CMC and backup will be Mr. Favier also an EMT.

A motion was made by Commissioner Arbaney to appoint those named by Sharon Eshelman. Chairman Smith stepped down from the Chair to second the motion; carried.

Dale Hancock was appointed as the staff person to attend for the ATAC.

Building and Planning

Mark Bean presented the Nieslanik Special Use Permit stating they had reached a legal verbal agreement of a compromise to share the road in question.

Resolution - Battlement Mesa PUD - Zone District Text Amendment

Commissioner Arbaney made a motion to authorize the Chair to sign a Resolution for Battlement Mesa Company for Amendment to the Battlement Mesa Planned Unit Development Zone District Text.

Chairman Smith stepped down as Chair to second the motion; carried.

Amended Plat for Battlement Mesa PUD - Lots 1 - 8

A motion was made by Commissioner Arbaney to authorize the Chair to sign an amended plat for lots 1 - 8 Phase Three Subdivision for the Battlement Mesa PUD. Chairman Smith stepped down as Chair to second the motion; carried.

Sippelle Drive and Spencer Parkway

Don DeFord presented that these are both County roads serving portions of Battlement Mesa Subdivision and the County has been asked to accept these two roads as County public roads. The reasons for that is they are having trouble conveying property serviced by those roads when they are not public roads.

Mark stated these roads were there but had never been platted as part of any subdivision at all.

Don explained that the County would sign an acceptance which would be the same exception as presently signed on subdivision plats, making them public roads but not responsible for road construction or maintenance. Subsequent to this, an intergovernmental agreement will need to be worked out that the County would continue to maintain these roads, but we would be reimbursed by Battlement Mesa. The details are not resolved on this issue.

A motion was made by Commissioner Arbaney to authorize the Chair to execute an acceptance of Sipprelle Drive and Spencer Parkway as well as a Plat indicating the location of those rights of way only when the Plats have been received.

Commissioner Arbaney so moved. Chairman Smith stepped down as Chair to second the motion; carried. Mark stated that the Commissioners had received a letter of concern from David and Rose Ken. Mark stated it involved a building permit for porch for an older mobile home across from Dr. Bentley. The Commissioners suggested Mark write a letter outlining of what was being requested of them stating there was a need for a building permit for placement of the porch.

Engagement of Services - Arno Ehlers

Mark presented. Mark Jacobson has accepted the job as building inspector in Rifle. Fortunately Mark has a part-time employee that is willing to take Mark Jacobson's place - Arno Ehlers. In addition, Mark stated he has found another gentlemen to fill in part-time where Arno Ehlers was going to work. Mark requested the Chair be authorized to sign an engagement of services standard letter for \$9.00 hr. with reimbursement of mileage is he uses his own vehicle.

A motion was made by Commissioner Arbaney to authorize the Chair to sign a letter of engagement for Mr. Arno Ehlers. Chairman Smith stepped down as Chair to second the motion; carried.

Extension - Barharav

A motion was made by Commissioner Arbaney to grant an extension to February 11, 1997 for Barharav to resolve some issues over the road. Chairman Smith stepped down as Chair to second the motion; carried.

Extension - David Percak

Mark stated David Percak was requesting an extension. Mark stated he had received his permits from Road and Bridge and made arrangements for the survey, to drill a well, and was requesting an extension of 120 days.

A motion was made by Commissioner Arbaney to grant an extension of 120 days for David Percak. Chairman Smith stepped down for the Chair to second the motion; carried.

Resolution - Log Amigos Ranch Subdivision II- Filing 5

A motion was made by Commissioner Arbaney to authorize the Chair to sign a Resolution concerned with the approval of a preliminary plan for Los Amigos Ranch Subdivision II, Filing 5. Chairman Smith stepped down as Chair to second the motion; carried.

Resolution - Los Amigos Ranch Subdivision II, Filing 2A

A motion was made by Commissioner Arbaney to authorize the Chair to sign a Resolution concerned with the approval of a preliminary plan for Los Amigos Ranch Subdivision II, Filing 2A. Mark clarified this is the one not served by sewer. Chairman Smith stepped down as Chair to second the motion; carried.

Aspen Glen - Acknowledgment of Partial Satisfaction Subdivision Improvements

Mark stated Aspen Glen was requesting an Acknowledgment of Partial Satisfaction for Subdivision Improvements for Aspen Glen for \$782,126. This includes a variety of work and was certified by Louis Meyer, Engineer.

A motion was made by Commissioner Arbaney to approve the Acknowledgment of Partial Satisfaction for Aspen Glen. Chairman Smith stepped down as Chair to second the motion; carried.

Amended Plat - Irene Green

Mark presented an amended plat for Irene Green which involves the changing of easement and access across the property. Mark explained that this was previously approved prior to May of 1995 and somehow was misfiled.

Commissioner Arbaney made a motion to authorize the Chair to sign the subdivision amended plat for Irene Green. Chairman Smith stepped down as Chair to sign the amended plat; carried.

Extension - Carol McNeel

Carol announced her office was finally moved.

She stated the Newsletter would go out sometime this week; the Awards Program will be held on Sunday, October 27th here at Glenwood High School at 2 PM.

CONTINUED PUBLIC HEARING SUP FOR A RESORT LOCATED 1/4 MILE EAST OF CARBONDALE ON BLUE HERON LANE. APPLICANT: ROBERT NIESLANIK

Mark Bean, Diana Nieslanik and Peronelle Phillips were present. This is a continued hearing to allow the adjoining property owners to work out differences for access to Nieslanik cabins.

Mark Bean stated that the Nieslaniks and Phillips had come to an agreement regarding the access. They stated the rough draft was being worked on with the lawyers. This needs to be written up and signed.

Peronelle Phillips stated this was a true report and they were asking signage be placed on the road stating that this was access to Nieslaniks only for the use of the two cabins.

Commissioner Arbaney made a motion to continue this until October 14th at 10:15A.M. Chairman Smith stepped down from the Chair to second the motion; carried.

Nieslanik - Septic Tank - Board of Health

Commissioner Arbaney made a motion to go into the Board of Health. Chairman Smith stepped down as Chair to second the motion; carried.

A motion was made by Commissioner Arbaney that the Nieslaniks be authorized to use a 1000 gallon septic tank properly placed and pumped on a regular basis by the B & R Septic Service. Chairman Smith stepped down from the Chair to second the motion; carried.

A motion was made by Commissioner Arbaney to come out of Board of Health and reconvene as the Board of County Commissioners. Chairman Smith stepped down from the Chair to second the motion; carried.

Executive Session - Nystrom Litigation - ACRE

A motion was made by Commissioner Arbaney to go into an Executive Session to discuss the Nystrom issue. Chairman Smith stepped down as Chair to second the motion; carried.

A motion was made by Commissioner Arbaney to come out of Executive Session. Chairman Smith stepped down from the Chair to second the motion; carried.

DECISION JAIL FINANCING

Sheriff Tom Dalessandri, Dale Hancock, Don DeFord, Alan Matlosz, Chuck Deschenes, and Dave Sturges of the Jail Advisory Board were present.

The Commissioners are considering a plan to use the county courthouse as collateral to complete financing for the planned new \$7.3 million, 190- bed jail.

There were several options that were explored. The courthouse as collateral was considered due to the dire straits with conditions existing at the jail. A cost of \$40,000 a month just on prisoner room, board, and transportation to and from other counties was discussed as well.

Alan Matlosz presented the financing option and stated this idea of using an existing asset to finance another project has been used by several school districts in the state. This would be a 25 year structure. Alan stated the County's role begins with gathering information and then at the end. The Bond Attorney and himself requires the majority of time in the middle. Speaking with Bond Insurers will also need to be considered as time in the middle. He added that a trustee bank holds the funds but it belongs to the County. The County is responsible for managing the funds; the trustee hold the funds and represent the bond holders in case of a problem. The County would be set up to draw funds based on construction draw schedules. Alan stated the County Treasurer would be the arm of the County Commissioners in the flow of funds.

Commissioner Arbaney made a motion to start the financing process as a mortgage on the courthouse as collateral and George K. Baum and Blake Jordan as counsel coordinate all this with staff. Chairman Smith stepped down from the Chair to second the motion; carried.

It was further determined that Alan Matlosz would provide updates to the Commissioners in November and a date set for December 16th on the Commissioner's Agenda to consider the Resolution. Alan will contact

Bob Young or John Cooper of Alpine Bank to determine if they are large enough to handle the trust account.

Reilley Johnson and URS were also discussed with regard to adjusting construction costs.

A date was set for December 16th for the Public Hearing at 2:30 P.M. and November 12th at 3:00 P.M. as the date Alan will return for discussion and updates on the jail financing.

ROAD 238 - ZELENKA

King Lloyd, Sam Phelps, Joe Zelenka, Dave Maes, and Del Whittington were present.

King and Sam presented. Sam stated the new map reflects two prescribed roadways in addition to the exiting roadway. The roadmap referred to by Joe Zelenka was done by Rosenberg. He stated the dash line with double dots goes all the way through. The solid line is a road deed from 1908.

Discussion:

Del Whittington - 4791 County road 214 stated it is his property where the road goes through, and would like first of all to speak as a homeowner. He was not too happy about having a road in his front door and he further stated it was only declared a few years ago as a county road. Del was concerned about future development and stated that is eminent. Cedar Hills was the first Phase and Murr Realty has 400 acres above him. Also, the school district has purchased property in Peach Valley for a high school. He also voiced concern regarding parties with teenagers in the area. Mr. Whittington stated he was willing to do what he can, such as looking into getting fill dirt, donating labor and seeing that it was accomplished. Commissioner Arbaney was concerned that there were conflicting deeds. He was in favor of Sam Phelps doing a new right-of-way.

Dave Maes - 1873 Road in Fruita requested to be shown on the plat.

Joe Zelenka - 230 Circle Drive - El Jebel stated he was planning on making some road improvements further up.

The Commissioners agreed to go ahead and establish a survey and set precedence of where the road will be.

Mr. Whittington approval.

The right-of-way was solved. Now the question of who will be paying for the construction of road was also discussed.

Joe stated he wants a road and agreed to tell Del when he is coming. Phasing the road was discussed.

King stated the only problem with easement is the 60 ft. right away. He said the barn may fall into that portion and if so the stream could be diverted. He also suggested to center the right away as the center line. Don stated he needs a legal description and the parties to agree on a course of road, and then get a description.

Chairman Smith stated she was in favor to go ahead and get the survey done by Sam Phelps working with King and Del.

All parties agreed to work together to solve the problem each doing whatever they could to cooperate and help.

Chairman Smith commented favorable on the cooperation.

Sam Phelps stated he felt he could have the results by the end of the month.

ROAD AND BRIDGE DISCUSSION

King Lloyd presented his report to the Board.

County Road 100

King reported on work performed on County Road 100 stating overall the work was well done.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Valley Christian Academy Fundraiser

Eileen Koch, Director of Valley Christian Academy presented a request of the Commissioners to have a 5 K run as part of an outreach and fund-raiser effort during the first annual Valley Fest to be held on Saturday, November 2nd beginning at 9 A.M. She stated she had spoken to Dennis Mahan from New Castle as the race would start at Riverside Elementary and go through the town of New Castle proceeding across the highway and onto County Road 335 to the park. She stated the race would be set up similar to

the Strawberry Shortcake 10 K Run with walkie talkies being used to monitor the runners. She added there would be a free chili dinner and music in park at Apple Tree. Based on cooperation of the various parties the Commissioners agreed. They suggested that Eileen give the information to King about how all this will work out.

Cardiff Property

Mike Alsdorf - 1131 Cooper presented a colored diagram of the Cardiff Property showing the T-Intersection. The colored diagram identified the existing right-of-way. A decision was made to have Don look at this map submitted by Mike and work with Dave Force as well. Final decisions as to the outcome were left pending additional discussions.

LIQUOR LICENSE RENEWAL - BUFFALO VALLEY INN

Mildred Alsdorf presented the liquor license renewal for the Buffalo Valley Inn. She stated she had not received any adverse comments regarding the renewal.

A motion was made by Commissioner Arbaney to approve the liquor license renewal for the Buffalo Valley Inn.

Chairman Smith stepped down as Chair to second the motion. Carried.

PUBLIC HEARING - PRELIMINARY PLAN APPROVAL OF GRACE BIBLE CHURCH SITE.

APPLICANT: BATTLEMENT MESA PARTNERS

Mark Bean, Don DeFord, Chuck Deschenes and were present.

Don determined that adequate and proper notification was in order and instructed the Commissioners to proceed. The following exhibits were submitted by Mark: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; and Exhibit D - Project Information and Staff Comments. Chairman Smith entered Exhibit A - D into the record. In addition, Exhibit E - a Letter from the Division of Water Resources; and Exhibit F - a letter from the Colorado Geological Survey. Chairman Smith entered Exhibit E and Exhibit F into the record.

Mark presented: This is a preliminary plan for the Grace Bible Church subdivision in the Battlement Mesa PUD on a tract of land located approximately one-half (1/2) mile south of Parachute, in the Battlement Mesa PUD. The applicant is proposing to split off a 6.20 acre parcel to allow a local church to build a new facility. The parcel will be served by the Consolidated Metropolitan District for water and sewer. Access is off of Spencer Parkway, which feeds directly onto Battlement Mesa Parkway.

Recommendations:

The staff recommends approval of the application with the following conditions:

All representations of the applicant, either within the application or stated at the public hearings before the Board of County Commissioners shall be considered conditions of approval unless otherwise stated by the Board of County Commissioners.

A Final Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities and include the following plat notes:

"Control of noxious weeds is the responsibility of the property owner."

"All

construction shall be consistent with USFS Wildfire Prevention Guidelines."

"No open

hearth solid-fuel fireplaces will be allowed; each dwelling unit will be allowed one (1) new wood-burning stove as defined by C.R.S. 25-7-407, et. seq. and the regulations promulgated thereunder; and there will be no restriction on the number of natural gas burning fireplaces or appliances included in the protective covenants."

A motion was made by Commissioner Arbaney to close the Public Hearing. Chairman Smith stepped down as Chair to second the motion; carried.

A motion was made by Commissioner Arbaney to approve the preliminary plan for the Grace Bible Church on a tract of land located approximately one-half (1/2) mile south of Parachute, in the Battlement Mesa PUD as described in the project information and staff packet with all major issues, suggested findings, and recommendations. Chairman Smith stepped down as Chair to second the motion; carried.

Extension - Cox

Mark Bean presented a request to authorize the Chair to sign an extension for Cox for 120 days. A motion was made by Commissioner Arbaney to authorize the Chair to sign the extension of 120 days for Cox. Chairman Smith stepped down as Chair to second the motion; carried.

WIC - Contingency

Chuck presented.

A motion was made by Commissioner Arbaney to authorize the Chairman to sign a WIC contingency upon the Attorney's review. Chairman Smith stepped down from the Chair to second the motion; carried.

PUBLIC MEETING - CONDITIONAL USE PERMIT - HOME OCCUPATION LOCATED 4.5 MILES EAST OF CARBONDALE. APPLICANT: DONALD SKINNER

Eric McCafferty and Donald Skinner were present.

Eric presented: This is a modification of a previously approved Conditional Use Permit for a Home Occupation on a 2.0 acre parcel of land located approximately 1/2 mile west of the Eagle/Garfield County line at 16706 State Highway 82. The applicant is proposing a modification to allow the inclusion of an additional use, which apparently would consist of a concrete design operation, conducted by the applicant's son.

Recommendation:

Staff recommends APPROVAL of the application, pursuant to the following conditions:

That all proposals of the applicant made in the application and at the public meeting with the Board shall be considered conditions of approval, unless specified otherwise by the Board.

There shall be no signage indicating the commercial use of the property.

If the nature of the permitted businesses ever substantially change to include the necessity of several trips originating or terminating at the property, then this Conditional Use Permit shall be subject to further review and, if found that an appearance or impact of a commercial activity exists, the permit may be subject to revocation.

That only immediate members of the applicant's family shall work on-site.

That all operations be conducted between the hours of 8:00 a.m. and 5:00 p.m.

Donald Skinner stated he would have times when people were needed to hire out to unload trucks, help with fences.

Commissioner Arbaney suggested taking condition number 5 off and adjusting condition number 4 to read that no more than 6 (six) workers from the outside be allowed to come in and help.

A motion was made by Commissioner Arbaney to approve the modification of a previously approved Conditional Use Permit for a Home Occupation for Donald Skinner on a 2.0 acre tract of land as described in the project information and staff comments with all major issues and concerns, suggested findings, and recommendations with the elimination of Condition No. 5 and the addition under Condition Number 4 to read "no more than six (6) would be permitted to work on-site. Chairman Smith stepped down as the Chair to second the motion; carried.

PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION LOCATED NORTH OF THE TOWN OF PARACHUTE ALONG CR 215. APPLICANT: HAYDEN RADER

Eric McCafferty, Don DeFord and Hayden Rader were present. Don determined that proper notification was made and instructed the Commissioners they were entitled to proceed.

Eric presented that this is an exemption from the definition of subdivision on an 80 acre tract of land located within Sections 1 & 12 adjacent to the western edge of the Town of Parachute. The applicant proposes to subdivide by exemption the 80 acre tract into three (3) parcels of 4.77, 11.19 and 64.18 acres each. The smaller parcels would be located south of Parachute Creek and would be separated by the eventual extension of Parachute Park Boulevard. Exxon would retain the larger parcel and Mr. Rader would obtain title to the smaller parcels. Both smaller parcels are proposed to be developed a single family residential.

Recommendation:

Staff recommends APPROVAL of the application, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.

That the applicant shall submit \$200.00 in School Impact Fees, per lot (\$400.00 total), for the creation of the exemption parcels, prior to authorization of an exemption plat.

That the following plat notes be included:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant, if the lot has not previously been annexed to the Town of Parachute."

"Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific individual sewage disposal system needs on the site."

"The individual lot owners shall be responsible for the control of noxious weeds." "The approval of this exemption creating the smaller lots was not based on the issuance or review of water well permits from the State Engineer's Office. The water supply for the smaller lots shall be from individual cisterns and/or the Town of Parachute municipal water supply."

That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.

That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD System.

That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended and any construction shall comply with the 1994 Uniform Building Code, as adopted by Garfield County.

The applicant shall adhere to all recommendations of the letter submitted by the Grand Valley Fire Protection District, dated September 10, 1996.

The applicant/developer shall install individual cisterns, at least 1000 gallon capacity, and any necessary infrastructure, for each of the smaller lots (lots south of Parachute Creek), prior to final approval.

That the following provisions be included in the protective covenants governing the exemption parcels:

One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases.

No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances. All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

Don DeFord stated a current letter has to be part of the record. A letter dated September 1996 was submitted which indicated Mr. Rader has authority to represent Exxon.

Hayden Rader commented that the previous conflict was a roadway that was going all the way through and he was not prepared to allow that. This time, Hayden went to the Town of Parachute and to Exxon and the roadway in the current proposal has addressed these concerns.

The addition of a turn-around was also discussed.

Commissioner Arbaney suggested Hayden be pursuing annexation into the city of Parachute instead of coming to the County. Chairman Smith stated Parachute would eliminate their objection if they would dedicate the 80 foot right of way. The Commissioners stated they would also speak to the City of Parachute and this is not a denial, but clarified that it is a continuation.

Commissioner Arbaney made a motion to continue the public meeting until November 4, 1996 at 11:00 A.M. Chairman Smith stepped down from the Chair to second the motion. Carried.

PUBLIC HEARING - FLOODPLAIN SPECIAL USE PERMIT LOCATED 1 MILE SOUTHWEST OF NEW CASTLE, NORTH OF CR 335. APPLICANT: GENE HILTON

Eric McCafferty, Gene Hilton, Attorney Scott Balcomb, and Engineer Peter Belau were present.

Don determined that adequate and proper notification was made and instructed the Commissioners they could proceed with the public hearing.

The following Exhibits were entered into the record by Chairman Smith: Exhibit A - Notification; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Packet; and Exhibit E - a copy of the 1978 Garfield County Zoning Regulations.

Eric presented: This is a request for a floodplain special use permit to allow the placement of fill material within the Flood Fringe of the Colorado River on a 97.29 acre tract located approximately one (1) mile southwest of New Castle, north of county Road 335. The applicant is requesting the issuance of a Floodplain Special Use Permit, to allow the placement of fill material within the flood fringe of the Colorado River and Garfield Creek. The fill material would likely be "scraped" from higher portions of the subject tract and excavated from the location of a proposed pond, that are part of the overall, subdivision proposal, and placed in varying depths on the affected lots.

Don added there should be a condition to control dust due to the many complaints he has received at Aspen Glen.

Comments from the audience:

Gail Schultz - 2859 335 Road - Floodplain Issue - stated she lives 1/2 mile north of the River. The concerns are all relative to the floodplain issue and the fill as it affects her below. If the Channel swings North into the wetlands she is concerned it will interfere with the normal flow of water. She stated she has lived there the last nine years and the river moves very swift creating a major concern. Second concern is in putting 20 homes sites with fill dirt and septic systems adding pollution.

Karen Nadon - daughter to Gail Schultz, echoed the same comments plus she stated the water table rises and her concern is the 20 leech fields proposed.

Peter Belau commented that this summer the water was high and did not hit ground water levels until 8 feet deep. He added this was in response to Lincoln- DeVore study.

Gail Schultz - the reason of great concern and support for leaving the floodplain as it is, is in a period of flood, this floodplain handles the water. If you fill the floodplain then the whole channel can change.

Scott Balcomb - noted for the record a clarification of the terms. He stated that term "floodplain" is not applicable to this subdivision. Flood fringe is the only land that is being proposed here. The Floodplain is not being affected.

Peter Belau stated that is the purpose for these insurance studies and states they do not want any fill dirt placed as it would create a problem. He stated that the high water levels this Spring were not even close.

Scott Balcomb - the developer is in agreement with the conditions for the permit as listed in the staff comments as well as the one that Don mentioned which Eric read into the record regarding Condition No. 10 - "dust control."

Chairman Smith suggested staggering the houses on the edges of the river.

J. R. McAllister - stated he wanted to bring up one point - across the river there is a big irrigation ditch which, under normal conditions, lets the river expand. This protects the wetlands. Erosion is not a problem.

Frank Breslin - asked if the Colorado Department of Health has issued a favorable water supply and he is also concerned about the "fisherman's easement."

A motion was made to close the public hearing by Commissioner Arbaney. Chairman Smith stepped down as the Chair to second the motion. Carried.

Recommendations:

1. That all representations of the applicant, either within the application or stated before the Board of County Commissioners, shall be considered conditions of approval.
2. The Special Use Permit shall be issued when all conditions of approval are met and shall be subject to adherence to specific conditions to be contained within the Subdivision Improvements Agreement for the Rapids on the Colorado Subdivision.
3. That all placement of fill material shall be in accordance with the engineering specifications for this type of floodplain development.
4. That the compacting of the fill material shall be field verified by the developer's engineer, as it is being placed, and the engineer shall provide individual, "as-built" elevation certificates, for each affected lot, upon completion.
5. Approval of this Special Use Permit shall in no way be construed as approval of the Rapids on the Colorado Subdivision, nor shall it obligate the Board of County Commissioners to approve said subdivision.
6. That approval of this Special Use Permit shall preclude the necessity of compliance with the following plat note/condition of approval, proposed for the Rapids on the Colorado Subdivision:

"Site specific, engineered building foundations and individual sewage disposal system designs shall be subject to individual Floodplain Special Use Permit applications and approval, prior to the issuance of a building permit for any construction identified within the 100-year floodplains of the Colorado River and/or Garfield Creek."

Prior to Final Plat, the developer's engineer shall submit site specific engineered plans for residential development within the flood fringe of the Colorado River and Garfield Creek. Furthermore, all development in these areas shall be consistent with these plans and shall be required to furnish as-built, elevation certificates demonstrating that all construction meets the provisions of Section 6.09 of the Garfield County Zoning Resolution of 1978, as amended, prior to the issuance of a Certificate of Occupancy by the Garfield County Building Department.

7. The lowest floor, including basement, of any new building designed for residential occupancy shall not be less than one (1) foot above the maximum water elevation of the 100-year flood as determined by the Garfield County Flood Insurance Study.
8. On-site individual sewage disposal systems shall be located so as to avoid impairment of them or contamination from them during a 100-year flood event.
9. Prior to issuance of a building permit, the owner of each lot shall prepare and submit a soils and foundation report, an I.S.D.S. design, and a grading and drainage plan prepared and certified by a professional engineer. All improvements shall be constructed in accordance with such measures, which shall be a condition of the building permit.
- 10.

The applicant/developer shall take prudent measures to control dust generation and migration from the site, for the duration of development on the site.

Commissioner Arbaney made a motion to approve the special Floodplain special use permit to allow the placement of fill material within the Flood Fringe of the Colorado River for Gene Hilton with all changes/modifications as noted above and read into the record by Eric McCafferty. Chairman Smith stepped down as Chair to second the motion; carried.

PUBLIC HEARING - PRELIMINARY PLAN APPLICATION FOR THE RAPIDS ON THE COLORADO SUBDIVISION LOCATED 1 MILE SOUTHWEST OF NEW CASTLE, NORTH OF CR 335. APPLICANT: GENE HILTON

Eric McCafferty, Don DeFord, Scott Balcomb, Peter Belau, and Gene Hilton were present. Don determined that adequate and proper notification was in order and instructed the Commissioners they could proceed.

Eric presented: Exhibit A - Notification; Exhibit B - Returned Receipts; Exhibit C - Application and attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - 1974 Garfield County Subdivision Regulations; Exhibit F - Copy of the 1978 Amended Zoning Regulations; and Exhibit G - Comprehensive Plan of 1984. Chairman Smith admitted Exhibits A - G into the record.

Eric presented: This is a Preliminary Plan review for The Rapids on the Colorado Subdivision on a 97.28 acre tract of land located approximately one (1) mile southwest of New Castle, north of County Road 335. The applicant is proposing to subdivide the property into 33 single family residential lots on 80.36 acres (net) residential lot sizes between 2.0 and 3.6 acres. Approximately 18.3 acres of the tract would be dedicated as open space/parkland. The residential lots would be served by a central water system consisting of two (2) wells, but each lot would have an individual sewage disposal system. Access to each lot is proposed to be from a 50 ft. wide, "horseshoe" road, with two points of access onto R. 335 and two cul-de-sacs leading from the loop.

Chairman Smith admitted the following Exhibits into the record: Exhibit H, a letter from Peter Belau;" Exhibit I, an original plat - 1978 Lincoln DeVore; Exhibit J, a map showing new water levels; and Exhibit K, appendix to staff report of September 13, a letter from Dwain Watson, Department of Health.

Engineer Peter Belau commented on the engineered foundations; the condition as noted in 9e.; and the 14% grade of the water tanks.

Attorney Scott Balcomb commented on the open space; identification of how the wells will be split agreeing to a condition being placed on the approval process; making reasonable accommodations for school buses with accel and decel lanes; discussed condition No. 26 regarding a favorable response from the Department of Health; and observing weight restrictions as outlined in King Lloyd's letter of concern. Don DeFord commented on the concerns of the engineered foundations; rockfall; cited the case Nolan v. California regarding the ability to acquire property by dedication is tenuous at best and needs to be a close tie to the property to the use; 9 acres of open space on the hillside that must stay with the landowners; and the favorable response from the Department of Health indicating that silence or failure of response is taken as approval however adding condition No. 37.

Chairman Smith commented on the density changes since the Planning Commission recommendations and entered Exhibit H as a result of discussion; the developers willingness to donate two accesses; the movement of the fire hydrants; roofing materials; placement of monitors to indicate water levels; and weight restrictions on the road in connection with King Lloyd's memorandum.

Commissioner Arbaney commented on accel and decel lanes, turn lanes and traffic concerns up-valley; school bus loop through the subdivision; off-road access for school bus loading/unloading; road improvements and the addition of a center lane given credit for those road improvements; lack of response from the Department of Health and the 21 day time frame; and the deletion of 9a in the Planning Commission recommendations.

Frank Breslin - 181 West Main Street - New Castle - referring to a Resolution 1990 and making a suggestion that these rivers have cultural and historical value and if at all possible to dedicate a fisherman's easement along the river.

Eric responded that this point generated a fair amount of conversation at the Planning Commission but they did not include it in the recommendations. He cited Section 914 of Subdivision regulations regarding the dedication of land for public use "where appropriate by the County Commissioners."

Commissioner Arbaney made a motion to close the public hearing. Chairman Smith stepped down as Chair to second the motion; carried.

Commissioner Arbaney made a motion to approve the Preliminary Plan for The Rapids on the Colorado Subdivision for Gene R. Hilton on a 97.28 acre tract of land located approximately one(1) mile southwest of New Castle, north of County Road 335 as described in the project information and staff comments, review agency and public comments, major issues and concerns, suggested findings, and recommendations including the changes/modifications as noted in the "recommendations" below that were also read into the record by Eric McCafferty.

Chairman Smith stepped down as Chair to second the motion; carried.

Recommendation:

At its September 11, 1996 meeting, the Planning Commission recommended APPROVAL of the Preliminary Plan, pursuant to the following conditions: **"Staff and the Planning Commission note that, concerning the method of sewage disposal, the Colorado Department of Health, Water Quality Control Division, has not provided what staff would consider to be a "favorable response," as required by C.R.S. 30-28-136 (1)(g). Pursuant to this provision of State Statute, it may be inappropriate for the Board to grant APPROVAL of the proposal, without the "favorable response." Staff suggests that, at this time, the Board make a determination of compliance with said Statute, based on the information submitted to the Department and the replies received, and then render its decision.**

1. That all representations of the applicant, either within the application or stated at the public hearings before the Planning Commission shall be considered conditions of approval, unless stated otherwise by the Planning Commission.
2. The Homeowner's Association shall be incorporated in accordance with Colorado Revised Statute requirements.
3. The applicant shall prepare and submit a Subdivision Improvements Agreement addressing all on-site improvements, prior to the submittal of a final plat.
4. The applicants shall submit improvement plans for all roads, bridges, utilities, fire protection, improvements, signage and drainage structures prior to the submittal of the final plat.
5. That all utilities shall be placed underground and any propane tanks shall be placed underground or otherwise obstructed from view.
6. That all cut slopes created during construction shall be revegetated with native grasses, shrubs and trees with adequate weed control. All revegetation shall be in accordance with the applicant's revegetation plan. Revegetation and landscaping shall be included in the Subdivision Improvements Agreement. In addition, adequate security shall remain in place for a period of two (2) years to guarantee the survival of all plantings.
7. That the applicant shall demonstrate that procedures are established for the maintenance of all roadways and bridges, including snow removal, through the Homeowner's Association.
8. That the applicant shall pay \$200, per lot, (\$6,600 total) in School Impact Fees prior to the approval of the Final Plat.

9. That the following plat notes shall be included on the Final Plat:
 - a) "The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
 - b) "Prior to issuance of a building permit, the owner of each lot shall prepare and submit a soils and foundation report, an I.S.D.S. design, and a grading and drainage plan prepared and certified by a professional engineer. All improvements shall be constructed in accordance with such measures, which shall be a condition of the building permit."
 - c) "That all lot owners shall comply with the provisions under which the well permits for the subdivision were approved. Except for Lot 1 and Lot 19, no lot shall irrigate more than 10,000 square feet of land with water from the central, domestic system, and all waste water disposal systems shall have non-evaporative leach fields."
 - d) "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant, unless said fees have been paid by the developer. There shall be credit given to the developer for the monetary amount spent on providing the required acceleration and deceleration lanes."
 - e) "Individual lot owners shall be responsible for control of noxious weeds and the Homeowner's Association shall control noxious weeds on all Open Space/Parkland portions."
10. That all well permits be issued prior to final plat, that sufficient water provided through the approved augmentation plan, water rights associated with the wells, together with wellpermits, all physical components of the water system and shares from the Moore Ditch, if any, shall be transferred by the developer to a homeowner's association which shall have the power and the duty to enforce compliance by lot owners with the terms and conditions of the augmentation plan. Appropriate Protective Covenants shall further require compliance with the terms and conditions of the augmentation plan, the metering of water usage at the individual lot and provisions for drip-irrigation.
11. That the applicants shall prepare and submit protective covenants, articles of incorporation and other Homeowner's Association documents including by-laws will be submitted for review by the County Attorney prior to the approval of the Final Plat.
12. No resubdivision or Accessory Dwelling Units shall be approved for this subdivision that would impinge upon or diminish the services provided for the lots approved herein.
13. That all roadways shall be constructed in accordance with the design standards in effect at the time of submittal of the Final Plat. With the exception of Lot 1, in no event shall an individual driveway have direct access to County Road 335.
14. That the static water level in Rapids Well #2 be monitored and if the static water level falls below 24 feet, a 24-hour pump test and appropriate recharge rate calculations be performed, with all results reported to the Planning Department, through final plat.

15. That adequate easements for wells, waterlines and other attendant facilities and utilities shall be provided on the Final Plat.
16. The applicant shall provide road signage in accordance with the Uniform Manual of Traffic Control. These should be included in the Subdivision Improvements Agreement.
17. Prior to the approval of the Final Plat, the applicant shall submit approved plans (by Colorado Department of Health) for the proposed community water system.
18. That access and utility easements to the proposed water tank shall be shown on the final plat and dedicated to the Homeowner's Association, that the applicant shall receive the necessary permit from County Road and Bridge regarding the crossing of CR 335 with the water/utility line(s) and in no case shall the access road to the water tank be in excess of 14% grade.
19. A finalized boundary line adjustment occur before Final Plat approval for the remaining land not being included in this subdivision.
20. Open hearth, solid fuel fireplaces shall not be allowed within the subdivision. One (1) new, solid-fuel burning stove as defined in C.R.S. 25-7-401, et. seq. and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.
21. All provisions contained in the Burning Mountains Fire Protection District's letter dated July 10, 1996, shall be adhered to and made part of the Final Plat.
22. All exterior lighting shall be the minimum amount necessary and shall be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.
23. That the recording fees for the Final Plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of the Final Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
24. That the Final Plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.
25. Protective covenants shall specify that only one (1) dog is allowed, per lot.
26. Protective covenants shall specify there be no incineration of trash.
27. That specific building envelopes for the individual sewage disposal systems be designated away from the watercourses of Garfield Creek and the Colorado River for all lots identified within the respective floodplains.
28. That all building envelopes affected by the floodplains of Garfield Creek and the Colorado River shall be elevated above the level of the 100-year floodplain, as a requirement of the Subdivision Improvements Agreement.
29. The developer shall provide specific designs and plans for the development and use of the open space land, for review by the Planning Department, as a requirement of the final plat submittal.

30. Development within the areas identified within the flood fringe of the Colorado River and/or Garfield Creek shall be required to adhere to the conditions of approval for the Floodplain Special Use Permit, conditionally approved on October 7, 1996.
31. That acceleration and deceleration lanes and school bus turnouts shall be provided at both intersections with County Road 335, and shall be developed as part of the Subdivision Improvements Agreement.
32. The developer shall take prudent steps to control dust generation and migration from the site, for the duration of development of the site.
33. All weight restrictions on County roads shall be observed by the developer and all subcontractors.

Resolution - John Powers

Commissioner Arbaney made a motion to authorize the Chair to sign a resolution and plat concerned with granting an exemption from the Garfield County Subdivision regulations for John Powers.

Executive Session - Litigation Los Amigos

A motion was made by Commissioner Arbaney to go into an Executive Session to discuss litigation on Los Amigos. Chairman Smith stepped down as Chair to second the motion; carried.

Adjournment: 6:35 P.M.

Attest:

Chairman of the Board

OCTOBER 9, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,

GARFIELD COUNTY, COLORADO

The emergency meeting of the Board of County Commissioners began at 2:30 P.M. on Wednesday, October 9, 1996 with Chairman Marian Smith and Commissioners Elmer (Buckey) Arbaney present. Also present was: County Attorney Don DeFord; Sheriff Tom Dalessandri; Operations, Dale Hancock; Accountant for Social Services Colette Barksdale; Deputy Sheriff Jim Sears; Communications, Jim Stevens; County Administrator Chuck Deschenes, and County Clerk and Recorder Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 2:30 P.M.

County Attorney Don DeFord noted for the record that Commissioner Mackley was appraised of the situation and would be available if needed.

Executive Session

Don DeFord stated the emergency meeting was due to the critical subject matter and requested an Executive Meeting to discuss the current situation in the jail relative to the requirements of the Federal Consent Order.

A motion was made by Commissioner Arbaney to go into an Executive Session. Chairman Smith stepped down as Chair to second the motion; carried.

A motion was made by Commissioner Arbaney to come out of Executive Session. Chairman Smith stepped down as Chair to second the motion; carried.

Emergency Jail Situation

Don DeFord stated the Board had discussed the current situation of the jail and the re-appointment of the Bond Commissioner Cheryl Hurst. They had also discussed the circumstances of the jail with the Chief Justice of the District Court as well as Judge Craven and Judge Zerbi of the County Court and all three Judges are amenable to the re-appointment of the Bond Commissioner who will represent the County; and the County agrees by contract to engage this position of which Judge Ossola will re-appoint Cheryl Hurst.

Commissioner Arbaney made a motion as to Don's statement above. Chairman Smith stepped down from the Chair to second the motion; carried.

Temporary Jail

Commissioner Arbaney made a motion to negotiate with Argonaut Farms, Peter Stayton and John Schoup for either a short term or long term lease of the Bowling Alley as a temporary jail to house prisoners. Chairman Smith stepped down as Chair to second the motion; carried.

Adjournment

Attest:

Chairman of the Board

OCTOBER 10, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,

GARFIELD COUNTY, COLORADO

The Emergency meeting of the Board of County Commissioners began at 8:30 A.M. on Thursday, October 10, 1996 with Chairman Marian Smith and Commissioners Arnold L. Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

Executive Session

Commissioner Mackley made a motion to go into Executive Session to discuss the Consent Decree as related to the overcrowding of the Garfield County jail. Commissioner Arbaney seconded the motion; carried.

Commissioner Arbaney made a motion to come out of Executive Session. Commissioner Mackley seconded the motion; carried.

Adjourn

Attest:

Chairman of the Board

OCTOBER 14, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 14, 1996 with Chairman Marian Smith and Commissioners Arnold L. Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report to the Board.

Auditors

Chuck presented the engagement letter for the auditors - Yanari, Watson, Lyons & CO, P.C. which outlines the understanding of Garfield County, Colorado.

October 15th is the public input meeting of the Regional Transportation Committee at the Hotel Colorado.

Personnel Action

A Personnel Action Sheet was submitted by the Sheriff to Chuck for approval of the Board on April Trent changing her job classification.

A motion was made by Commissioner Arbaney approve the change in job classification for April Trent as submitted by the Sheriff. Chairman Smith stepped down as Chair to second the motion; carried.

WIC

Chuck presented the WIC Contracts and stated they had been extended to December at the current level of support which was \$104,336.00.

A motion was made by Commissioner Arbaney to authorize the Chair to sign the WIC Contracts for \$104,336.00. Chairman Smith stepped down as Chair to second the motion; carried.

Energy Grant

Chuck reported on the letter he wrote to Tim Sarmo on the Energy Impact Grant regarding Mamm Creek and requested input. Chuck stated it was for \$700,000 from them and \$300,000 from the County.

Commissioner Arbaney stated the Commissioners and King have never reached a decision on how to fix the road. Commissioner Mackley agreed that a plan was necessary. Commissioner Arbaney stated he was in favor of putting a double layer of fabric down, then 3 to 4 inches of classic rock, and then lay a couple layers of fabric; re-compact all the pipes, that's the first thing and re-do them; and then come back in with your old gravel if you can put another inch or two for surfacing, and this should stabilize the road. Corrections and additions were suggested to the letter. Chuck indicated that this would be further discussed with King during his time on the agenda next meeting.

Fortney Refrigeration

Chuck reported on a proposal from Fortney for preventative maintenance consisting of \$5000. This includes checking the airflow vents. Honeywell is going to come in with a proposal that recommends system changes and improve efficiency for all the buildings.

Administration

Chuck referenced the memorandum noting he was going to Oregon for an interview. This was nothing personal, it reflected on the salary levels being offered outside the County. Chuck stated he would also submit some changes during the budget time. Commissioner Arbaney asked Chuck what he would select if he stayed and had to choose between Accounting and Management. Chuck stated he preferred management but it depended upon the philosophy of the County.

Airport Discussion

Chuck stated the Airport Authority would also be speaking to the Commissioners about a full-time administrator. Chuck indicated he would be very interested in that position if they did offer a position. He felt the airport could generate more revenue with a full time person who could spend time to focus on the business at hand.

The Airport Authority Board met with the City of Rifle Planning regarding navigational easements and Chuck stated he thinks Rifle Planning Department is proposing to place these easements on the parcel which is currently their industrial park.

Chuck stated he had received the application for the fuel tanks and a list of fees and was working on a procedure for the tanks.

The Airport is pursuing the installation of the guide slope navigandi purchased from the Old Stapleton. He stated this would enhance traffic and be worth the investment. He estimated this would cost approximately \$50,000.

Chuck reported the Division of Aviation Grant had received \$50,000 - \$10,000 of that was to help rejuvenate a state snowplow a 1982 International Turbo with a 441 motor purchased for \$3500. The other \$40,000 will go to match Federal funds for the pavement project.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Dale Hancock, Don DeFord, Al Maggard, Dave Sturges, and Doyle McGinley were present for the report.

Total in jail 107; 37 main jail; 39 Work Release; 5 females; 31 in other jails; 2 Home Detention; 0 Day Reporting; 12 DOC (these are in other jails); 3 State Hospital.

Tom reported that Don was going to draft the letter reporting the DOC caseload. He stated DOC reported they did not have any place to put them. The Court order recommends that DOC remove their inmates within 48 hours.

Chairman Smith commented on the Washington crime report recently published that named Colorado as a major problem with nationwide gangs. She stated that Florida and Colorado report over 15% of the population.

Bond Commissioner

Dale Hancock reported that Judge Ossola had requested Cheryl interview all the inmates in the jail and make recommendations regarding the PR Bonds. Monday there were 35 inmates on pre-trial status. 18 of these are on INS holds; and immigration cannot pick them up; 12 others held on other jurisdictions but they also have new charges in this jurisdiction; however, there is a meeting tomorrow for 5 inmates PR bonds.

Installation of a guard check system

Tom reported a new system was in place for a guard check station which consists of a key punch system as a security check. He stated this provides checks and balances and logs in the time and date of when the guards check on the inmates. It is a valuable system to have in place.

Phone Inmate Contract

Tom stated this expired in July and issued bids. He received the bids back and a local bidder from Rifle was the low bidder. He submitted a summary handout.

Video imaging

Tom stated this system had been pulled out but needed it back in. It was especially helpful in the work release unit where there were blind corners, etc. This will replace the camera in the booking process. Tom stated this new system can be sent over the phone lines.

Chuck requested legal wording in the contract to protect the County from lawsuits.

A motion was made to authorize the Chair and the Sheriff to sign the contract with DDS World Comp for telephone services as listed. Commissioner Mackley seconded the motion; carried.

Jail Financing

Dale reported he was doing leg work for Alan Matlosz and he needs to pull together a legal description on the Courthouse. He also needs a replacement appraisal value opposed to a market value. He stated he would work with the County Assessor and take his counsel regarding getting this appraisal. Chuck stated the insurance cost is the replacement value of the Courthouse. Dale requested the authority to obtain an appraisal.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley for Dale to be authorized to secure an appraiser to do a survey to determine the replacement cost of the Courthouse building. The County surveyor will provide the legal description. Motion carried.

Executive Session - Court Order

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session to discuss the Court Order. Motion carried.

A motion was made to come out of the Executive Session by Commissioner Mackley and seconded by Commissioner Arbaney; motion carried.

COUNTY BUSINESS - BUILDING AND PLANNING REPORT

Mark Bean presented his report.

Potter and Odgers - will be rescheduled as well as Petts/Holmes; Los Amigos Filing 2A and 5 - the County has been included in the lawsuit with the Department of Health; Ranch Creek at Roaring Fork - not scheduled. Mark stated he had received a request to change the language with PUD regulations under density to 2 per acre zone and it is currently at 4 per acre. Ranch at Roaring Fork is requesting density on 20 single family 5 - 8 units per acres. Mark requested a change to the language to allow a PUD change. Mark requested the Board authorize this to go to the Planning.

A motion by Commissioner Arbaney and seconded by Commissioner Mackley to send the Ranch at Roaring Fork PUD request change to the Planning Commission; motion carried.

Mark stated that recent legislation basically puts into law what has become precedent. Unless you have a very specific regulation, you can't use a criteria that doesn't fit the neighborhood.

Current Planning

Jackson/Holy Cross on the agenda for next week; River Ridge PUD and final plat is not scheduled yet but Mark projected sometime probably in November; and Odgers/Potter zoning was previously denied. This is a new application with the same land but the basic change is they are proposing to use a well. Mark stated this was a tight fit for use water wise and a concern.

Nieslaniks have a continuance to next week sometime. The legal agreement is still on the Attorney's computer; O'Neal are proposing that a cistern be used with a cistern supply. Weiss/Ag Business just off 112 Road is a tac/horseriding business; and the Rifle Correctional Site Application is this afternoon.

Building Permits

Overall activity is above the 1994 year and slightly less than single family. The valuation is going up mainly attributed to the Aspen Glen units ranging between \$400 - \$600,000. Some are asking a price of \$1,000,000 plus. This reflects on the general revenues projected.

Staff Changes

Jake (Mark Jacobson) has official resigned to begin work for the City of Rifle as their chief building inspector. Mark stated he has put a part-time employee, Arno Ehlers on full-time who is very knowledgeable.

Extension

Carol McNeel reported. October 27th is the Achievement Awards at the High School in Glenwood Springs. She asked Chairman Smith to be present to award the Outstanding Member Contest on October 16 - 6:30 P.M. Thursday.

Carol announced she would be in Fort Collins for a week long in-service training. Regina would be in the office on Monday, Wednesday and Friday, but the office would be closed on Tuesday and Thursday. It was suggested that she leave a message telling the hours and put a note on the door that messages can be taken in Administration.

AMENDED FINAL PLAT - ANTLERS ORCHARD - APPLICANT: RAY GILBERT

Mark Bean presented. This is a request to basically amend the Antlers Orchard Plat which was created in 1909; now the applicant wants to create sensible lots. The current layout makes little sense. This is a request to amend the lines within the current plat however, Mark stated this must be done carefully and watch so as not to cut off easements to someone else's property. Mark stated he did not have a problem with this and has had several similar requests. Mark stated he would bring this before the Commissioners for signature on the plat once all the work was completed.

Extension - Mangurian

A motion was made to grant an extension for Mangurian SB -35 until February 20, 1997 by Commissioner Arbaney. Commissioner Mackley seconded the motion; carried.

Dakota Townhomes, L.L.C. Partnership - Acknowledgment of Partial Satisfaction

Mark stated the Dakota Partnership had completed all improvements and requested the releases of all security, except a retainer of \$9,966.00 Mark stated the engineer certified the work was done.

A motion was made by Commissioner Arbaney to authorize the Chair to sign the acknowledgment of partial satisfaction for Dakota Townhomes except to keep a security retainer of \$9,966.00. Commissioner Mackley seconded the motion; carried.

Resolution - Rapids on the Colorado

A motion was made by Commissioner Arbaney for the Chair to be authorized to sign a Resolution concerned with the approval of Preliminary Plan for the Rapids on the Colorado Subdivision. Commissioner Mackley seconded the motion; carried.

Extension - Martin (formerly Chandler)

A motion was made by Commissioner Arbaney to authorize an extension until April 7, 1997 for Arthur and Jan Martin, the property formally owned by the Chandlers, regarding road issues and a vacating easement issue with Silt. Commissioner Mackley seconded the motion; carried.

Amended Plat for Dakota Meadows

Mark presented an Amended Plat for Dakota Meadows, No. 6, 9, and 10 of the multi-family section.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney that the Chair be authorized to sign the amended plat for Dakota Meadows, No. 6, 9 and 10 of the multi-family section; carried.

Department Heads

Election Day - Motor Vehicle Closing

Mildred Alsdorf presented a request to close Motor Vehicle on Tuesday, November 5, 1996 for Election.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to close the motor vehicle division in the Clerk and Recorder's Office on Tuesday, November 5, 1996 for election date; motion carried.

Mildred stated she would place an announcement in the newspapers and post a notice to this effect on the main entrances to the Courthouse and on her door.

Letter to the Editor

Chairman Smith requested Chuck to send a letter to the editor thank the City of Rifle, Parachute, Glenwood Springs, on the support of the passage of the sales tax.

PUBLIC HEARING - ABATEMENT LEASE AMERICA CORPORATION

Steve Rippy presented the abatement for Lease America Corporation. He stated this involved a couple of problems where equipment is being rented. A memo was given showing the list of equipment.

A motion was made by Commissioner Mackley to authorize the Chair to sign the abatement of \$2,317.54 for Lease America Corporation. Commissioner Arbaney seconded the motion; carried.

SOCIAL SERVICES

A motion was made by Commissioner Mackley to go into the Board of Social Services. Commissioner Arbaney seconded the motion, carried.

A motion was made by Commissioner Arbaney to come out of the Board of Social Services. Chairman Smith stepped down as Chair to second the motion.

CONTINUED PUBLIC HEARING FOR A SPECIAL USE PERMIT FOR A RESORT, LOCATED 1/4 MILE EAST OF CARBONDALE ON BLUE HERON LANE APPLICANT: ROBERT NIESLANIK

Mark Bean presented. This is a continued hearing to allow the adjoining property owners to work out their differences for road access to the cabins. At last week's meeting it was reported the parties had come to an agreement and the terms of that agreement were in rough draft.

Mark submitted the signed agreement and the Resolution and requested the Chair be authorized to sign the documents. A postponement was decided as the better thing to do after Don stated some concerns.

A motion was made by Commissioner Arbaney to grant a postponement until October 21, 1996 at 3:15 p.m. Commissioner Mackley seconded the motion. Carried.

CONTINUED PUBLIC HEARING FOR A SPECIAL USE PERMIT FOR A KENNEL, LOCATED APPROXIMATELY FOUR MILES EAST OF PARACHUTE, ON CR 301 APPLICANT: MONTE AND LINDA O'NEAL

Eric McCafferty and Linda O'Neal were present.

Eric presented: This special use permit was continued concerning the modifications to the O'Neals conditionally approved SUP request to allow the applicants time to solidify their water supply proposal and obtain additional information regarding the daily, per animal, water and waste water requirements.

Additional Exhibits were submitted: Exhibit G, Letter from American Boarding Kennels Association and Exhibit H -Letter from the Town of Parachute. Exhibits G and H were admitted into the record.

Staff still recommends that the most appropriate way to address the water supply is for the applicants to undertake the amendment procedure so their existing well would legally be allowed to supply the water, consistent with the manner suggested in the previous ADDENDUM. In lieu of this, if the Board determines that the proposed water supply is adequate and determines that the ABKA water usage calculations are reliable, then staff recommends APPROVAL of the application, pursuant to the following Suggested Findings and Conditions of Approval.

The following decisions were made:

The Garfield County Board of Commissioners conditionally approved the request for modifications to the Kennel Special Use Permit originally approved on June 3, 1996. The following conditions shall govern the operation of the kennel:

1. That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

2. The kennel shall be completely enclosed within a building that prevents any sounds from emanating from the property boundary. An outdoor exercise area may be allowed, so long as no noise complaints are received by the operators of the kennel or the County.
3. No dust, noise, odors or source of filth shall emanate from the property.
4. An individual sewage disposal system capable of handling all waste for the kennel shall be installed and documentation of this fact shall be provided to the Planning Department, prior to final approval of the Special Use Permit.
5. Prior to final approval of the Special Use Permit, the owner/operator of the kennel shall be required to install a water cistern or reservoir tank of no less than 1500 gallon capacity.
6. No outdoor dog runs will be allowed.
7. Only one (1) sign may be allowed on the property which is further subject to all provisions of Section 5.07 of the Garfield County Zoning Resolution of 1978, as amended.
8. All construction of the building and attendant facilities shall be subject to County permitting and the Uniform Building Code of 1994, as adopted.
9. The Special Use Permit for the kennel shall be issued upon demonstration that the applicants have satisfactorily met all conditions of approval contained herein and no animals may be boarded until all conditions have been met.
10. After a term of no more than one (1) year from the date of conditional approval of the Special Use Permit, the owner/operator shall be required to provide a well permit that allows for a commercial use of the well, which specifically states the well has been permitted as the water supply for the operation of the kennel. Upon satisfactorily demonstrating the above and on the condition that no complaints regarding the operation of the kennel are received by the County, the applicants shall be allowed the expansion of the kennel operation, consistent with the proposed modifications. Specifically, the boarding of up to 25 dogs and 10 cats. Any further expansion in the size or nature of the kennel operation shall require another modification to the issued Special Use Permit.

Additionally, the Board has scheduled a time for review of compliance with the above conditions. **This review is scheduled for Monday, October 13, 1997, at 2:00 p.m.,** and it will be necessary for the applicants, the O'Neals, to demonstrate that the legal water supply has been amended to reflect the "commercial" use of the well and also demonstrate that the physical amount of water produced from the well is sufficient for both the residential and commercial use. Eric stated he would suggest that the well be pump-tested for no less than four (4) hours and the results presented to the Planning Department along with a statement from the individual who conducted the test that this amount of water is a sufficient supply.

By granting the conditional approval, the Board has essentially approved of your requested modifications. The O'Neals may, at this time, proceed with their plans to develop the kennel for up to 17 dogs and six (6) cats. Upon demonstration of compliance with the above criteria, they will be allowed the expansion of up to 25 dogs and 10 cats. Please note that if they do not comply with the above conditions, their Kennel Special Use Permit will be subject to revocation.

A motion was made by Commissioner Arbaney to close the Public Hearing. Chairman Smith stepped down from the Chair to second the motion; carried.

A motion was made by Commissioner Arbaney to approve, on condition as written by the recommendations in the staff report for a Special Use Permit for a Kennel located on County Road 4 miles east of Parachute on County Road 301 for Monte and Linda O'Neal with one year and the commercial well permit, 17 dogs and 6 cats. Chairman Smith stepped down as Chair to second the motion; carried.

ROAD AND BRIDGE REPORT

Marvin Stephens presented the report for King Lloyd who was hunting.

CONTINUED PUBLIC MEETING FOR A SUBDIVISION EXEMPTION, LOCATED APPROXIMATELY TWO MILES EAST OF SILT APPLICANT: TAMERA DUPLICE

Eric McCafferty, Walt Brown, Don DeFord and Tamera Duplice were present.

Tamera Duplice - 46089 Highway 6 & 24 Glenwood Springs, CO 81647 stated that an engineer has not been retained.

Eric presented: This exemption petition was entertained in February and again in August and was continued to allow the applicant to address concerns related to the potential of water inundation during certain times of the year. In August, the Board instructed the applicant to engage an engineer or other qualified professional who should evaluate the site and make specific recommendations as to the development ability of the site and mitigation of the potential water hazards.

Recommendations

Staff recommends that, if no new information has been submitted, then the Board consider granting only one (1) additional, date-certain, extension of time for this application. If the required engineering information is submitted, then staff contemplates the suggested conditions of approval should be adequate, if the Board approves the petition.

Eric stated what is at issue is whether the Board feels this property can be developed without any additional engineering. To date, these have not been done.

Tamera has spoken to an engineer however, a report was not submitted.

Brent Peterson - 35960 River Frontage Road, New Castle property owner was present and commented on the map presented by Ms. Duplice. He said there is an (above area) excess water area.

Chairman Smith stated they need something from BLM and an engineering report for more information.

Eric stated the engineering report needs to be considered prior to making any approval of this property.

Commissioner Arbaney made a motion to postpone the exemption hearing for Tamera Duplice until June 2, 1997 at 11:30 A.M. Chairman Smith stepped down from the Chair to second the motion. Discussion: Chairman Smith informed Ms. Duplice that she would need to bring an engineering report and anything that BLM has and if the Engineer tells Tamera she has wetlands there they will need to know about that. Motion carried.

PUBLIC MEETING - SB 35 SUB EXEMPTION LOCATED APPROXIMATELY 5 MILES SOUTHEAST OF PARACHUTE. APPLICANT: CARY WELDON

Eric McCafferty, Don DeFord, Sam Phelps, and Cary Weldon and Mr. Kent was present.

Don determined that adequate notification and publication was completed and instructed the Commissioners they were entitled to proceed.

Sam Phelps - 214 8th, Suite 215 - Glenwood Springs, CO

Eric presented: This is an exemption from the definition of subdivision on a 40 acre tract of land located approximately five (5) miles southeast of Battlement Mesa along County Road 338. The applicant proposes to divide, by exemption, the 40 acre tract into two (2) parcels of approximately 14.33 and 25.69 acres each, with the County road forming the common demarcation line between the proposed parcels. The larger tract would contain the existing dwelling and the smaller parcel would be developed as a single family homesite.

Recommendation:

Staff recommends this petition be continued to allow the applicant time to demonstrate an adequate legal, physical and safe water supply. If the Board determines all concerns have been addressed and finds that County Road 338 creates an impediment to joint use of the tract, then staff recommends APPROVAL of the application, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.

That the applicant shall submit \$200 in School Impact Fees, for the creation of the exemption parcel, prior to authorization of an exemption plat.

That the following plat notes be included:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners." (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade." "Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant." "Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site." "The individual lot owners shall be responsible for the control of noxious weeds."

That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.

That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.

That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended and any building shall comply with the 1994 Uniform Building code, as adopted.

The applicant shall consult with Road and Bridge and receive any required driveway permits, prior to final approval.'

The applicant shall adhere to all provisions of the letter submitted by the Grand Valley Fire Protection District, dated August 21, 1996.

That the following provisions be included in the protective covenants governing the exemption parcels:

One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the rea as a final remedy in worst cases. No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances. All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

Judy and Lee Haywood of 180 South 2nd Court, Parachute - stated they were very supportive of this request.

Commissioner Arbaney made a motion to approve an exemption from the definition of subdivision for Cary Weldon on a tract of land as described in the staff packet with all major issues and concerns; suggested findings and recommendations with the addition of the Department of Energy monitoring the wells stated as a plat note "indicating the water supply is subject to DOE monitoring wells and any lot owner should check with DOE." Chairman Smith stepped down as Chair to second the motion; carried. Discussion was held on part of the motion and the second given; added to the motion included: "county road does provide a geological split." Motion carried.

PUBLIC MEETING FOR A SUBDIVISION EXEMPTION, LOCATED APPROXIMATELY ONE MILE SOUTHEAST OF RULISON, ALONG CR 309 APPLICANTS: SAM POTTER AND HARRY ODGERS

Eric McCafferty, Don DeFord, Sherri Colioa and Melonie Massey representing Russell George were present.

A formal written request was received from Russell George's office for postponement; however,

Don wanted to open with adequate notification and publication questions. The second notice was mailed on October 2nd and was not timely. A defective notification was ruled by the Commissioners. Don suggested finding that an inadequate notification process was determined and renotification would be necessary.

A motion was made by Commissioner Arbaney that they found an inadequate notification due to lack of using proper records. Chairman Smith stepped down from the Chair to second the motion; carried. This has been rescheduled for November 4, 1996 - 11:30 A.M.

Sherri Calioa had sent a letter stating there was an inadequate water supply.

Appointment of Bond Commissioner - Cheryl Hurst

Commissioner Arbaney made a motion to authorize the Chair to be authorized to sign the reinstitution letter of agreement for the Bond Commissioner - Cheryl Hurst. Chairman Smith stepped down as Chair to second the motion; carried.

PUBLIC HEARING FOR A PRELIMINARY PLAN APPLICATION FOR THE PETTS/HOLMES SUBDIVISION, LOCATED APPROXIMATELY SEVEN MILES NORTHEAST OF CARBONDALE, OFF OF CR 113 APPLICANTS: ROBERT PETTS AND KATHLEEN HOLMES

Mark Bean presented: The notices that were sent out were sent for October 16th. This was a staff error and the staff will take responsible for the error and re-publish and post notification.

Mark stated this will be set for sometime in November.

Senate Bill 96-061

Mark Bean submitted the Senate Bill 96-061 and Don DeFord stated he and Mark has discussed the bill on several occasions. This Act will change the way the county does business on major subdivisions. If denial is an option, Don stated the Commissioners would have to have a specific regulation on which to base the finding and make factual findings under the regulations to support the regulations on which denial was justified.

Road Impact Workshop

The Planning Commission would be meeting to discuss road impact fees on Wednesday, October 30th at 7 P.M. The Board of County Commissioners and Candidates for the Board will be invited.

Don stated, they were looking for some direction.

Communications

Jim Stevens from Communications showed a 5 minute Public Service Announcement regarding the passage of the sales tax.

PUBLIC MEETING FOR A SITE APPLICATION FOR WASTEWATER TREATMENT UPGRADE, RIFLE CORRECTIONAL CENTER APPLICANT: DEPARTMENT OF CORRECTIONS FACILITIES MANAGEMENT SERVICES OFFICE

Mark Bean presented. This is not a public hearing it is a public meeting and the Board will be required to meet as the Board of Health.

This is a review of the Rifle Correctional Center Facility Site Application for expansion of a sewage treatment works made by the Department of Corrections, Facilities Management Services Office. The proposed expansion will include two accelerated ponds and two larger settling ponds that will be nondischarging facilities. The ponds will be lined with a synthetic liners to prevent groundwater contamination. The waste water will then be disposed of through the treatment effluent on an adjoining agricultural field.

The Counties authority was overridden by State Legislature but does allow review and comment only.

The facility has been cited for violations. However, this is the first application that has been made for the wastewater treatment facility at the RCC since the DOH approved a discharge permit in 1977. Mark stated the Commissioners had a choice of three options, approval, disapproval, or no comment.

Louis Meyer of Schmueser Gordon Meyers, Inc. provided comments submitted in the staff packet on: Water Quality/Conformance with State Regulations; Land Use; and Technical Issues.

Planning Commission Recommendation

On October 9th, the Planning Commission recommended denial of the proposed site application for the following reasons:

- The Department of Corrections needs to open up dialog with the Department of Parks to provide a method of disposing of sewage from Park's facilities in the area.

- There is a need to evaluate low tech treatment solutions, such as constructed wetland treatment of effluent.

- There is a need for more definitive compliance schedules and monitoring program of ground water quality, done by an independent consulting firm.

- It appears that the project is underfunded, which will result in a less than adequate treatment cure and the subsequent compounding of the present water quality violations.

- It the project goes forward, all of the comments regarding technical issues noted in the attached letter from Louis Meyer, Schmueser Gordon Meyer, Inc. need to be address in the design.

Conclusion

The Rifle Correctional Facility has been allowed to expand without any approval by the County, based on the recently approved legislation. In the Commissioners comments on the proposed expansion, the need to build a properly designed wastewater treatment facility was identified a one of the most critical issues noted to the DOC. While the DOC may be exempt from the County's land use regulations, it is not exempt from the other needs of the proposed expansions in terms of inmates if it is property constructed and operated. This issue appears to have differing opinions regarding the adequacy of the proposed facility to treat the sewage from the expanded facility. Additionally, the proposed wastewater treatment facility does not provide for any additional capacity for other outside users, particularly other State agencies such as the State Parks. Staff would suggest that the same type of recommendation made by the Planning Commission be made by the Board of County Commissioners and the Board of Health.

The following were present and spoke with regard to the concerns expressed by the Commissioners, and citizens attending the Site Application meeting:

Thomas McClerman, P.E. GMS, Inc. Consulting Engineers of 611 North Weber, Suite 300, Colorado Springs, Colorado

Bill Bogg, Rifle Correctional Facility - Superintendent

Gary Beach, LC - Resource Management 210 E. Hyman Avenue Suit 301 - Aspen, CO 81611

Kevin Patrick - Attorney at Law, Patrick & Stowell, P.C. 205 S. Mill, Aspen

Barry Hamilton - 0394 Mesa Drive - Rifle

A motion was made by Commissioner Arbaney to agree with the Planning Commission and deny the application with comments based upon the report from Louis Meyer, Schmueser Gordon Meyer, Inc. Chairman Smith stepped down from the Chair to second the motion; carried.

Commissioner Arbaney made a motion to go into Board Health. Chairman Smith stepped down as Chair to second the motion; carried.

A motion was made by Commissioner Arbaney to agree with the Planning Commission and deny the application with comments based upon the report from Louis Meyer, Schmueser Gordon Meyer, Inc. Chairman Smith stepped down from the Chair to second the motion; carried.

A motion was made by Commissioner Arbaney to come out of the Board of Health. Chairman Smith seconded the motion; carried.

The Commissioners instructed Mark to send copies to Tom Cleardon at the Department of Health.

Executive Session

A motion was made to go into an Executive Session by Commissioner Arbaney. Chairman Smith stepped down as Chair to second the motion; carried.

A motion was made by Commissioner Arbaney to come out of Executive Session. Chairman Smith seconded the motion; carried.

Adjournment - 6:30 P.M

Attest:

Chairman of the Board

OCTOBER 21, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 21, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present was: County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:08 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report to the Board.

Commissioner Arbaney made a motion to send a letter of support regarding the Governor's Award for Excellence in Arts for Glenwood Canyon Interpretative Signs. Commissioner Mackley seconded the motion; carried.

Budget Issues

Chuck stated that Susan Owens price will be about \$3600. Chuck spoke to her about what a full blown classification system would cost and she estimated \$25,000. Chuck stated he put this figure in the budget.

Rough calculations based on the assessed valuation given by Steve Rippey and will have to go for both exemptions in oil and gas and in the capital exemption. The capital has an owner's advertisement in the paper, but Chuck stated he felt the Commissioners needed to set aside the money for the jail. Chuck stated the totals were \$60,000 to capital and about \$40,000 to oil and gas. The oil and gas will be transferred into Road and Bridge to mitigate the direct impacts of oil and gas.

Census

Chuck reported on the Census and some correspondence was handed out mandating a meeting to be set up within one month. The Commissioners stated Mark will be appointed as the person in charge.

GoCo - Transportation Grant

Chuck reported on a letter to Georgia from Leavenworth and Associates, P.C. regarding the CTDC Bond Payment.

Bills

Chuck presented the bills for the 2nd run of September.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the bills for the 2nd run of September; carried.

PRESENTATION OF 1995 AUDIT

Sharon Brenner, CPA with Yanari, Watson, Lyons & CO. P.C. presented the audit for 1995. They were able to obtain all the necessary information and issued a statement that the financial records present an adequate picture of the County ended 1995

Sharon reported they were able to obtain all the necessary information and issued a statement that the financial records present an adequate picture of the County ended 1995. Revenues were approximately 2 million more than the previous year.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to accept the 1995 audit as presented. Motion carried.

Management Letter

Chuck stated the auditors comments were: stress the purchasing department and the fixed asset should have checks by physically verifying the equipment. Chuck stated there was a former employee who performed this part-time but was eliminated in 1987. This may be a re-instatement of the position having the person inform the department when equipment needs to be capitalized.

CONSIDERATION OF RURAL RESORT REGION INTERGOVERNMENTAL AGREEMENT

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve a joint resolution of the Boards of County Commissioners of Pitkin, Eagle, Garfield, Summit and Lake Counties - The Rural Resort Region - regarding a policy of Collaboration on Human Needs; carried.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Don DeFord, Chuck Deschenes and Al Maggard of the Jail Advisory Board were present.

Jail Count

Total in jail: 110; 38 main jail; 29 Work Release; females 5; 33 other jails; 2 Home Detention; no Day Reporting; 3 State Hospital; 11 DOC in other jails. 21 in Gilpin; 1 in Clear Creek; 2 in Rio Blanco; 8 in Grand County; and 1 in Delta.

Tom stated the State is running into problems and they are looking at the earliest time to relieve us of the overload of DOC inmates as 3 months. Total relief will be in two years. Sterling; Baca County; Ordway, Limon, and Trinidad are under construction for expansion of facilities.. This will free up some beds - dealing with State and County backlog. Tom further reported that every state has the same problem - it is an epidemic proportions. DOC reimburses us dollar for dollar.

Executive Session - Consent Decree and Liability Issues with the High Number

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to go into Executive Session to discuss the liability issue with the high numbers in the jail. Motion carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session. Motion carried.

National Conference - Alabama

Al Maggard reported on the National Conference held recently in Alabama of which he attended. He stated he heard the same story of overcrowding. He stated that some cities and counties are cooperating with alternate sentencing such as home detention. South Carolina has some very interesting facilities focusing on diversion. Al stated it was actually cheaper to put them in facilities versus the jail.

Bond Commissioner

Cheryl Hurst reported that a few have been approved for release on PR bonds by the judges. They are seeing some that can be released. Cheryl reported it is their Constitutional right to bond out if they qualify. There have been 3 in the last 2 days, 5 totally. Cheryl made some recommendations.

Doug Britten - 46 Mountain Shadows Drive, Glenwood Springs, a local bail bondsman commented that 6 years ago the Bond Commissioner Program was discontinued. He stated that based on what he was told by a female being held for DUI on Saturday morning was that if she'd wait for the Bond Commissioner she might be able to get out without posting bail. This cost the County a bed and a meal. He stated that the Bond Commissioner does not have the right to post bonds as this comes from the judges. The judge released a prisoner who was a long time resident of the County. Doug stated that the DA had asked for a \$1500 bond. He encouraged the Commissioners to disband this bureaucratic position.

DEPARTMENT HEADS

Building and Planning

Census

Mark Bean reported on a copy of a letter from Jim Westcot regarding the Block Boundary Program. Mark stated Rob and Mildred will be involved. Mildred has to set up with the Democrats and Republicans to work on the boundaries. Mark referred to it as a "suggested block study." He stated on November 13th there will be a Census Meeting from 9:00 A.M. until 12:00 Noon. Mildred, Mark, Chuck, Jim, Rob, and the Commissioners should attend.

Ranch at Roaring Fork Amend PUD

Mark presented the request from Jane Jenkins and John Wix regarding the parcel at Ranch at Roaring Fork to amend the PUD regulations. He stated that this is so their application for Ranch units can be approved as proposed. The Relay Station is not part of this. Proposed is a total of 48 units - 20 family units 4 duplexes. This does not amend the language per acre.

Mark asked to have this forwarded to the Planning Commission and that it will be before the Commissioners in early December. It will be a Public Meeting.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to refer this request for Ranch at Roaring Fork to the Planning Commission; carried.

The application has been made but to consider it further will require a Public Meeting.

COUNTY TREASURER: CTDC FINAL BOND PAYMENT

Georgia Chamberlain presented a letter received from Leavenworth & Associates, P.C. in response to a letter Georgia had sent regarding CTDC Bond Payment. Mr. Leavenworth stated in his letter: "The early payoff of the bonds was contemplated in the agreement between CTDC and the City of Rifle as evidenced in paragraph 3 of the agreement which states:....provided further that in the event a bond reserve is included in any bonds issued for Garfield County Local Improvement District No. 1986-1, for purposes of this paragraph the bond shall be deemed repaid when sufficient bond reserves, together with the interest thereon, exists to repay the remaining bonded indebtedness for Garfield County Local Improvement District No. 1986-1.

Mr. Leavenworth stated the bond was deemed repaid when sufficient bond reserves, together with interest thereon, were available to pay the bond. Given this agreement, he stated he believed the County should proceed to release the bonds of the local improvement district. Any excess would be refunded to American Atlas, Bonneville Pacific. Chuck stated there has been a lot of fraud investigation in unrelated areas nevertheless Chuck wanted caution to be taken without an independent review of reimbursement other than to bondholders. Chuck recommended Blake Jordan review the request.

Georgia stated by hiring Blake Jordan there would not be a great deal of money.

This is her reason for coming before the Board for direction.

A motion was made by Commissioner Arbaney and Commissioner Mackley to contact Blake Jordan and approve Georgia notifying First Trust in a timely manner as required prior to November 1, 1996; motion carried.

PUBLIC HEARING - ZONE DISTRICT CHANGE - A/R/RD TP C/L - LOCATED SOUTH OF GLENWOOD SPRINGS NEAR THE INTERSECTION OF STATE HWY 82 AND CR 115 AND 154. APPLICANTS: HOLY CROSS ELECTRIC, LAZY H SLASH ELEVEN, LLC.

Louise Van K. Jackson, Attorney John Kemp, Mark Bean and Don DeFord were present.

Don determined that adequate notification was provided and instructed the Commissioners they were entitled to proceed.

Mark presented: This is a Zone District Change for A/R/RD to CL for Holy Cross Electric, Lazy H Slash Eleven, LLC for 21.8 acre parcels located south of Glenwood Springs, near the intersection of State Hwy. 82 and County Roads 115 and 154.

The applicant is requesting that the property be rezoned from A/R/RD to C/L Commercial Limited. The zoning text for the C/L zone district is included in the staff packet. Holy Cross Electric plan on expanding the company's main office and accessory facilities on the property on the east side of Highway 82 and a portion of the property on the west side. The other applicant has no specific uses in mind at this time.

Recommendation

On September 11, 1996 the Planning Commission recommended APPROVAL of the application for a zone district amendment.

A motion was made to close the Public Hearing by Commissioner Arbaney and seconded by Commissioner Mackley; carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the request for a Zone District Change from A/R/RD to C/L for Holy Cross Electric, Lazy H Slash Eleven, LLC to 21.8 acre parcels located south of Glenwood Springs, near the intersection of State Hwy. 82 and County Roads 115 and 154 as described within the project information and staff comments, with all major issues and concerns, suggested findings and recommendation; carried.

DISCUSSION WITH FOREST SERVICE RE: LOGGING ON COUNTY ROADS

Mike Mottice, King Lloyd, Don DeFord, Chuck Deschenes, Ben Delvear of 1042 Parkwest Court representing the U.S. Forest Service; Sonny Lasalle, and Kevin Ruden of 1020 Main Street were present to discuss the logging on county roads.

Ben Delvear, Sonny Lasalle, and Kevin Ruden presented the potential logging on County Roads and held a discussion regarding timber sales. They stated that projects would need to be identified and then these could be built into a specific timber sale and make this part of the contract. He suggested to keep these projects fairly general but to be specific on an individual sale and say here's what will be done on this road, then they can collect the money and either one of the entities could do the work. If the County does the work, the Forest Service would reimburse for their proportional share whatever that work would be. Commissioner Arbaney stated using the Four Mile as an example, whatever the number would be, say \$30 million to overhaul Four Mile Road, using this as a project, the County's share of it would be X, if the Forest Service were to be a partnership on the project, could these funds go into a capital reserve program to be expended at the time work was done on the road.

Stever Frizell of 2210 Bennett, transportation planner for Forest Service, stated what would have to be in place would be is to add the road in question to the road improvements agreement and state the agreement goes from point A to point B. Four Mile Road serves the Forest Service both in recreationally, in commercial values, and resource protection. He stated they cannot be a collection agency for the County, but they can collect on County roads if they are under Schedule A to perform or to reimburse the county for Forest Services appropriate share of the work. Something like the Four Mile Road even though they haul timber on that road and it generates a lot of recreation traffic.

Commissioner Arbaney stated the Road Impact Survey did address the Forest Service but it was a small percentage of impact.

Commissioner Mackley stated the sales tax would solve a great deal of the County's problems. They have tried a fair way to impact the various users, but nothing has worked.

Chairman Smith stated she appreciated the cooperation with the Forest Service to be willing to keep something going to assist with the impacts on the roads with timber logging.

Commissioner Arbaney stated he thinks the first step is to decide what to implement on Four Mile, Buford Road, and Divide Creek to Silt in getting this going.

Sonny stated he felt it was a matter of coming to an agreement on shares, doing traffic counts, and obtaining more details. Then deciding on the percentage of shares.

King stated they had sent out an RFP to geotechnicals and CTL Thompson was the most responsive reply. They were given the average truck loading of the road and were asked to come back with an economical road design based upon the 20 year design life. The information they presented was an average of 75 equivalent single axle loads per day. It will probably end up being somewhere between 12" of road base and 3-4" of asphalt. King stated he could say to developers on down the road when they come to us that "this is the road that was designed to support your activities and if they are going to go beyond this level of design, then you will have to contribute."

Don stated the County does have an adopted road standard by Resolution many years ago and if there are any exceptions to this, it will need to be done by Resolution that would amend those road standards.

King stated the problems with Four Mile are because there are no shoulders and the old road standards gives way beyond what is needed for lane width and no shoulder. So what King is trying to do is to give a more typical lane width and a shoulder that will aid people in distress. Typically traffic backs up due to the lack of shoulder space. With constraints on the budget it might be impossible to do paved shoulders but at

some point it would behoove the County to build a road that could be paved and when things move ahead, that option is there.

Commissioner Arbaney agreed that it would be better to have the paved lanes and not do the shoulder but have it capable of being paved.

Chairman Smith - therefore, the C-DOT Road Standard is not being recommended but the road without the shoulder but capable of it.

King - yes. He also stated the right-of-way variance varies. In some instances on Four Mile, King stated a need to obtain a temporary construction easement adjacent to what will end up being the right-of-way in order to accommodate the construction. The fences will be put back after the road is built.

Commissioner Arbaney stated this is an exemption to this one road only and there is no intention to change the road standards.

Don stated there will still be a need for a Resolution to deviate from the road standards. The name for the road was determined to be "King's third road standard" according to the drawing he submitted.

King stated the Resolution would state that an exemption to the existing County road standards needs to be determined for a portion of Four Mile Road, County Road 117, adopting the standard which is number 3 with two 11' driving lanes and from the center line out to the edge of the shoulder would be 17' with a 6 foot shoulder adjacent to the surface; and not specify a specific distance from the center line out to the flow line of the ditch that would be adjacent to the roadway. This will fluctuate the distance to the flow line depending upon the constructability of that given the terrain.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to adopt a Resolution adopting the standards of construction that King just enunciated for a pilot project in the area of Bershenyi Ranch/Four Mile PUD project on County Road 117 as an exception to the existing County road standards; carried.

Old Tate place on Roan Creek

King stated the condition on the roadway has caused a request for winter maintenance. King suggested there was a good shale deposit and wanted to determine if the Commissioners would like to cooperate with the snowplowing and have material to do 1/2 mile roadway about 10 feet wide in exchange for services. Commissioner Arbaney stated he did not have a problem with the County plowing the road on periodic snows but to make it clear that it would not be plowed every time it snowed. It was further agreed to advise them that next year a consideration will be given to have a cooperation on this road.

UMTRA Site

Discussion was held and updates provided. King stated the City of Rifle was to get back in touch with Garfield County. King has not heard anything back from the State. He sent a letter with drawings to the State.

Chairman Smith stated if we do not hear from them soon, she suggested to send the State a copy of the letter.

Mamm Creek Letter for Sarmo

Chuck wondered if King has any comments on the letter to Sarmo.

BARRETT RESOURCES - PILOT DRILLING PROGRAM

From Barrett Resources: Executive Vice President - Ralph Reed, Ted Brown engineer; Mike Brady - construction; Steve Moore and Dan Sokol were present.

Ralph Reed presented the pilot drilling program and what they foresee for the next year in relation to generating revenue for Garfield County with production taxes and property taxes. He stated they are here under a 20 acre pilot program and what is the cost of doing it. He said they want to drill 8 wells, 4 in Rulison and 4 in Grand Valley.

Ted Brown presented the map that showed the areas for the pilot program taking in Grand Valley, Rulison, City of Rifle and Parachute. He stated at this time they have two wells, one in Grand Valley and one in Rulison. They plan to pick up a third rig and place it in Parachute field around the end of the month. Plans are to operate a three rig program through 1997 and hopefully beyond if gas prices are favorable. They project to drill about 54 wells next year with the three rig program. Revenues created by this activity level to Garfield County in production tax levels was demonstrated by a chart handed out. In April 1995, a payment of \$926,000 in production taxes was paid; and to show that gas prices at \$1.24 and \$1.33 with the

three rig program incorporated what it will do for Garfield County in production taxes. What was not included was about \$200,000 in property taxes because of related pipeline and production equipment. Commissioner Mackley - made a comment that tax revenues to Garfield County were about 1/2 million and with the impact of County road systems, have further taken this down to what the County receives to the Road and Bridge Mill Levy and it is about \$20,000 a year which doesn't even do one mile of road. There is still a concern but the overall big picture is that it will help Garfield county.

Ted explained the 20 acre pilot program stating they received permission from the Oil and Gas Commission to drill wells out here on 40 acre well density and they are doing it today. On November 18 they are going to the Oil and Gas Commission for permission to drill 8 wells on 20 acre well density - there are pilot wells, 4 in Grand Valley and 4 in Rulison. The reason for this is to determine if these wells can be drilled economically and second of all to determine if there is any drainage occurring with those 20 acre wells. This is basically the purpose of the whole project. The first 4 wells are located in Grand Valley fields off of 215 Road.

Ted also explained the drilling program at the landfill. He stated they want to accomplish two things in this area. One is to learn what the reservoir characteristics are and two what are the economics. Today drilling vertical wells in Rulison and in Grand Valley we know what the economics are, but drilling wells in a directional standpoint, we don't know what the economics are on these type of wells. In the past directional wells have been economic failures, so now there is a program consisting of drilling three wells vertical and one well from a path acreage into the landfill. Essentially it is an attempt to gain information again on the economic side of what does it cost to drill this, compare with each other and within a period of time analysis the data and come up with some type of engineering analysis.

Ted explained the Rulison area will kick off sometime in January 1997. Grand Valley the same and normally takes 25 days to drill, then evaluation.

Chairman Smith asked if they were satisfied with the evaluation, then you are talking 20 acre spacing in the landfill area.

Ted stated, if they gain enough information from these 8 wells that they want to gain 20 acre density throughout the area whether or not they go for directional or vertical locations is yet to be seen. It has not yet been determined if they will drill every well directional or every well vertically. They are hopeful that this program will determine a bit of that.

King expressed numerous complaints from personnel about the drilling operation at the landfill being very loud and hurting their ears due to the closeness to where they were working. He also expressed his concern of using too much space at the landfill. The other concern King has is the traffic. He stated it is not only the noise, he has also noticed on more than one occasion they have had to come in more than once. Discussion included the possibility of changing the gatekeeper for a couple of months and do directional drilling 500' from the gatekeeper.

Ted stated that Barrett was not here today to get a decision, this is merely to provide the Commissioners with courtesy information.

HONEYWELL - BUILDING ENERGY EFFICIENCY DISCUSSION

Joe Staib and Jeff Schusser presented a proposal regarding performance contracting. Joe explained the concept of performance contracting stating it is a contract where performance is guaranteed. It is a 10 year projection. He stated Honeywell has been doing this for over 13 years.

Joe explained that the steps taken by Honeywell included a needs assessment; then prioritization; and finally the listing of financial gains based on the assessment. Today they were invited to come and present this proposal to the Commissioners and determine direction. Joe stated again that the bottom line is that everything is guaranteed.

The Commissioners gave the go-ahead for Honeywell to begin with the preliminary needs assessment and to set up dates and times with Chuck, elected officials, and department heads.

Joe stated they will do a survey to get input from the employees, then do a physical wall through and take light readings and temperatures eventually doing a computer model for what will be given to the Commissioners.

A date in late November was determined when Honeywell should come back with their findings and presentation before the Commissioners.

CONTINUED PUBLIC HEARING - SPECIAL USE PERMIT FOR A RESORT LOCATED 1/4 MILE EAST OF CARBONDALE ON BLUE HERON LANE. APPLICANT: ROBERT NIESLANIK

Mark Bean stated he was assuming they have not reached an agreement. The Public Hearing was set at Noon on November 4th by a motion made by Commissioner Arbaney. Chairman Smith stepped down from the Chair to second the motion; carried.

DEPARTMENT OF TRANSPORTATION - DISCUSSION FUTURE PROJECTS FOR THE COUNTY

Bernie Busher from Grand Junction, Bob Moston C-Dot, Ralph Trapani - Regional DOT, Bud Schraeder out of Craig and Bill French maintenance supervisor in Glenwood Spgs. were present.

Bernie presented and stated the panel recommended looking at approximately twelve possible sources of funding to solve the shortfall within the government amounting to between \$8 and \$5 million at the city/county level. These range from gas tax, registration fees, enhanced use of general fund dollars, impact fees, indexing existing gas tax, toll roads, new wheels on the road tax and various others. The blue ribbon panel did not recommend any specifically rather stated there were a number of sources and suggested to just look at all of them as outlined in Senate Bill #1174 which the State Legislature has been appropriating money to but the DOT is not able to spend due to the Tabor and Amendment I; therefore, to spend these monies it may be necessary to de Bruce the State. Over the last several months, they have been developing a list of projects to submit to the transportation committee but they have not put this together.

Some of the projects Bob Moston stated were slated for this Region III include: Hwy 82; Hwy 50 between Grand Junction and Delta; the Grand Avenue Bridge is eligible for replacement projected to take three years at a cost of 4.6 million to either replace or widen.

He also stated rotomilling was the by-product of some of the highway work and Rich Orten could advise King if this is available.

He also advised the Commissioners that future resurfacing of I-70 in Garfield and Eagle County from Wolcott to Eagle-Vail and through Vail was planned. The other side of Douglas Pass at the north foot of the pass; continue to widen at Rangely toward Garfield County; guard rail project on Hwy 6 in New Castle; Hwy 50 to 4 lanes starting at Grand Junction to Montrose - 34 miles to add additional lanes projected to be a long term project of 10 years.

Chairman Smith called to their attention the Williams Sewage building across from Riverbend near the turn out. A decision was made to write a joint letter from C-DOT and Garfield County to the trustees with xeroxed copies to the Clean Water - Department of Health; Water Quality Board; and the Attorney General. King discussed the possibility of a possible sunset of the 80/20 bridge funds.

Bob stated he had heard nothing but would fully support efforts for Garfield County in securing additional funds for roads and bridge improvements.

RENEWAL LIQUOR LICENSE - VALLEY LIQUORS

Mildred Alsdorf presented a renewal liquor license for Valley Liquors for a retail liquor store license to sell malt, vinous, and spirituous liquor. The license expires on December 12, 1996.

A motion was made by Commissioner Arbaney and Chairman Smith stepped down to second the motion to authorize the Chair to sign the liquor license as presented; carried.

A motion was made by Commissioner Arbaney to adjourn. Chairman Smith stepped down from the Chair to second the motion; carried.

Adjournment 4:45 P.M.

Attest:

Chairman of the Board

OCTOBER 28 & 29, 1996
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The SPECIAL BUDGET meetings of the Board of County Commissioners began at 8:00 A.M. on Monday, October 28, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator, Chuck Deschenes and County Clerk and Recorder, Mildred Alsdorf.

Larry McCown, Commissioner Candidate - attended.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

The actions taken by the Board of County Commissioners during the Budget Hearings included the following.

Commodities Disbursement Contract

Chairman Smith presented a Commodities Disbursement Contract for Lift-Up due by October 30, 1996. Chuck stated he felt this was a good idea and suggested the Chair be authorized to sign. A motion was made by Commissioner Arbaney to authorize the Chair to sign a Commodities Disbursement Contract for Lift-Up. Commissioner Mackley seconded the motion; carried.

Property Tax Mill Levy

The property tax mill levy categories were broken down as:

General	3,574,936
Road & Bridge	580,641
Dept. of Social Services	508,062
O and G	47,903
Capital	67,419
Retirement	127,015
Airport	<u>54,435</u>
	4,955,411

Jail Financing

Don DeFord presented:

A motion was made by Commissioner Arbaney to have Chuck/Don authorized to tell Allan Mattlos to hold off for now on financing time for now. The motion was seconded by Commissioner Mackley; carried.

Courthouse Security

Don received a call from the Chief Judge Ossola of the district and he is going to be very insistent for proceeding with Courthouse Security. A copy of the report from the U.S. Marshall's Office on Courthouse Security Issues was given to the Sheriff last Wednesday.

Don searched the Supreme Court's ruling and verified the Sheriff and the County have the responsibility to provide Courthouse Security. The Statutory provision that Mesa County was attempting to turn back were applicable to Counties and could not be turned back. Don suggested the strategy used by Weld County where the Courts and the County discuss options is the one to follow. Judge Ossola had indicated to Don that he wanted only one access to the Courthouse. Potentially Judge Ossola discussed one or two full time FTE's to conduct weapon searches.

Don suggested that the Sheriff meet with Judge Ossola and hammer the minimum that he was going to try and live with and then come to the Board and say this is what I can agree to live with, what are you going to be able to fund.

Judge Ossola was asking, out of the report, a full time person to attend the felony sentencing hearings. That's one or two days a week. And a full time person to staff the door.

Ossola intends to make this an issue for this budget year.

Telephone System - Sheriff's Department

Telephone system for the Sheriff's Department - Tom stated that Don had reviewed the contract.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to contract the TELECOM telephone system for the Sheriff's Department. Motion carried.

Jail - Court Security

Tom, Don and Chuck will schedule a meeting next week with Judge Ossola.

Library

Steve Thomas requested \$12,000 in public dollars for setting up the Foundation for the Library Funds. Commissioner Mackley stated he wanted to run this by Don DeFord.

Frank Breslin, Commissioner Candidate was in attendance during the afternoon of October 29, 1996.

Budget Meeting

Another meeting date was set for November 7th at 8:30 A.M. until 10:30 A.M. to review requests, Chuck will have the worksheets, the sales tax issue will be known, go from there.

Adjournment 5:05 P.M.

Attest:

Chairman of the Board

NOVEMBER 4, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 4, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator, Chuck Deschenes and County Clerk and Recorder, Mildred Alsdorf.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report to the Board and presented the Journal Entries for review.

The Western Slope Transportation Conference

Chuck announced the Western Slope Transportation Conference will be held on November 22nd. Chairman Smith suggested the two newly elected Commissioners should be made aware of this and a County vehicle offered for their transportation

Fairgrounds - Painting Change Orders

A motion was made by Commissioner Arbaney to approve the change orders for painting at the Fairgrounds for Carleton Hoffmeister Painting for \$69.00, \$113.00, and \$1,044.00. Commissioner Mackley seconded the motion; carried.

New Commissioners/New District Attorney

The new Commissioners and new District Attorney will be sworn in on January 14, 1996 and there is a re-organizational meeting on January 14th. The last day for Commissioners Mackley and Commissioner Arbaney is January 13, 1997.

Housing Authority Board

A motion was made to appoint Chairman Marian Smith to fill the next term on the Housing Authority beginning January 1997. A second to the motion was made by Commissioner Arbaney. Chairman Smith called for the vote: Mackley - aye; Arbaney - aye; Smith - abstained.

Salary Increases/Market Survey

Commissioner Arbaney stated it is their prime objective to bring up salaries. His opinion is to bring up the bottom dog on the pole to the point where they can earn a living wage. He stated anyone making under \$10/hour is not making a living wage in Glenwood Springs. Therefore, he was against giving a wage increase across the board and felt this was not right. He stated to raise every Secretary, Clerk, and Gatekeeper to \$10/hour is not feasible all at once, but felt this is where the increases should start. It should be based on job performance.

The Commissioners agreed that "pay for performance" should be a high priority. This should be started in January. Chairman Smith asked Chuck if he had funds allocated in the budget for salaries increases and for pay for performance. Chuck indicated he did. Chuck asked if the Commissioners wanted to approve a market survey for the contracted employees. Discussion. It was decided that this would be useful information and approved the study.

A motion was made by Commissioner Arbaney to approve Susan Owens to do a market study for contract employees. A second to the motion was made by Commissioner Mackley. Carried.

Chuck announced that Colorado Mountain College has a class for him to teach called "Small Business Putting Together a Business Plan" at the CMC Glenwood Springs Center on Thursday evenings. Chuck

stated there shouldn't be any conflicts. However, he wanted the Commissioners to consider the request and let him know by next Monday.

Bills and Payroll

Chuck presented the bills and payroll for the Commissioners to review and approve.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the payment of the bills for the 1st run of bills for October 1996 and wage items for October 1996; carried.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Dale Hancock, Don DeFord; Doyle McGinley and Al Maggard of the Jail Advisory Board were present.

Jail Count

Total in jail: 110; 48 main jail; 26 work release; 8 females; 2 Home Detention; 0 Day Reporting; 12 DOC; 1 State Hospital. 10 Workender on the weekend and 1 left for today; and inmates in other jails - 25, 12 of these were DOC holds.

Tom reported that Larimer County has 83 holds for DOC and 113 in Arapahoe County. The new prison in Sterling will open after the first of the year and this will possibly alleviate some of the overcrowding.

COPS More '96 Grant

COPS More Grant '96 was presented to the Commissioners. Tom stated the local share of non-Federal matching funds required was \$9,720 and the total amount of Federal funds requested was \$29,160.

A motion was made by Commissioner Mackley to ratify the signature of the Chair regarding the submittal of the COPS More '96 Grant. Commissioner Arbaney seconded the motion; carried.

Community Corrections

Dale Hancock stated he had just audited the Community Corrections Contracts and will not be able to request supplementary funding. This year more funds are going into prison versus Community Corrections. He added that the next opportunity to apply for additional funding is in February at which time he may ask for handheld radios.

Jail-Alternative Site

Paul Katsompis looked at the jail and looked over the warehouse to see what would be needed to secure the facility.

Tom stated he will be going to Denver to check into a warehouse conversion for a jail to obtain some ideas. He also stated he has a meeting set up in Carbondale with the Town Board on the 12th of November to discuss the possibility of the Mid-Continent Building.

Community Corrections Board

Al Maggard announced there was a Retreat Thursday and Friday of this week for the Community Corrections Board. The State Board meeting will be held the 15th and 16th in Boulder. Sheriff Dalessandri is slated to be on panel discussing jail overcrowding. At the December meeting, the County Attorney attend the County Board meeting to bring up the consent decree.

The next regular meeting of the Community Corrections Board is the 12th of December at Noon at the Hotel Colorado.

Doyle McGinley stated he wanted to take Dale's remark one step forward. Doyle is on the screening committee and stated they were not getting a good client for consideration for Community Correction options. One is a drug dealer that lives only 4 houses from Doyle. This committee is going to look at everyone very careful until scrunch time, regardless of the supplemental.

Dale stated that \$22 million had been the amount of appropriation for Community Corrections

Executive Session - Consent Decree

Commissioner Arbaney made a motion to go into an Executive Session to discuss the Consent Decree and updates from Judge Maisch. Commissioner Mackley seconded the motion; carried.

Commissioner Arbaney made a motion to come out of Executive Session and Commissioner Mackley seconded the motion; carried.

Update from Consent Decree

Don DeFord announced that on October 29th, Judge Maisch had dismissed the Consent Decree which had originally been filed on August 30, 1983. This has not been dismissed and the Civil Action Case is dismissed in its entirety. This means that the Jail is no longer under any Federal orders to operate under special conditions.

Don further stated that this does not have anything to do with the zoning issue. The zoning issue came after the Consent Decree was filed.

Don referenced the Prisoner Litigation Reform Act of 1996.

Dubofsky Bill

Don submitted the last bill of Dubofsky. He stated the latest bill is slightly more than \$5,000 at his cut rate at \$90/hour.

A motion to amend the budget to pay the bill and line item was made by Commissioner Mackley and seconded by Commissioner Arbaney; carried.

The Gathering

The joint dinner meeting between the City Council of Glenwood Springs, New Castle, Silt, Rifle, Parachute, Carbondale and the newly elected Commissioners with the present Commissioners was scheduled for November 19, 1996 at 6:00 P.M.

COUNTY BUSINESS - EMPLOYEE OF THE MONTH

Mary Lynn Stevens was named Employee of the Month for November 1996. Don DeFord and Georgia Chamberlain were present for the award.

DEPARTMENT HEADS

Guy Meyer - Presentation

Guy Meyer presented that he had assisted in writing the Search and Rescue Grant for Mapping Software for \$3500 and they are also going after another \$13,000 to try to get gear for GIS in the Planning Department. He stated this was not a match. They want to get an \$8,000 scanner that will assist Rob in digitizing information simply by running a map through the scanner to save a lot of man hours in the process. Guy explained the Mapping Software is complete with computer graphics that includes a mapping system which will be used to help find people when they are in the field with air searches and field tracking. It is capable of zooming into the quads.

EXTENSION OF PRELIMINARY PLAN APPROVAL FOR RIVERBEND FILING NO. 5 PUD

Mark Bean presented. Tim Thulson and Attorney Steve Boat for RB Homes were present and made a request for a one-year extension.

A motion was made by Commissioner Arbaney to grant an extension for one year. Commissioner Mackley seconded the motion; carried.

DEPARTMENT HEADS

Extension

Carol McNeel presented a report. She stated that she and Dave Gallagher had spoken regarding the pesticide education.

One of the 4H leaders asked about the Conversation Trust dollars for the Fairground. Chuck suggested they should speak to Lee Moss.

Carol reported Meeker has scheduled their Fair for the same time frame as Garfield County. This brings a concern regarding shared shade equipment for the pig barns, etc.

Chuck suggested he would have Lee talk to Meeker to see if this could be changed as we share rabbit pens, and panels with them.

Building & Planning

Van Pool

Mark Bean and Guy Meyer and Don DeFord were present.

Mark presented: In September a memo was sent to employees regarding the van for transportation of employees from Rifle to Glenwood Springs. Mark checked into a RFTA lease vehicle that holds 15 passengers plus the driver for an average cost of \$1.59 per passenger per trip per day if the van is full. Guy Meyer had indicated he would be willing to drive the van. Guy is an exempt employee and not subject to overtime. He stated the estimated cost of driving ones own vehicle would cost 43.4 cents per mile to drive 15,000 miles a year and includes gas, insurance, maintenance, license, depreciation, and financing. Mark stated the proposal was intended to make this an employee paid for system. Mark stated he had informed the interested individuals that it could cost as much as \$2.50 to \$4.00 per day. 14 people responded. 7 in Rifle; 4 from Silt; and 3 from New Castle.

The cost of 37 cents per mile for release of this van by RFTA is a below cost and a renewal contract of one year is required. No CDL license required with 15 passengers or less.

Mark proposed to get this group together and decide how to pay, the times and places to meet, pro-rated cost etc. setting up their own agreements of how to operate the vehicle.

Chairman Smith stated she would like Mark to pursue with RFTA operating their own vehicle for down valley employees. Even though public transportation is available from the Carbondale area, the Commissioners voiced some concern of how other employees would view this county sponsored transportation.

Commissioner Arbaney stated the transportation from Carbondale did not meet the Road and Bridge hours and for this reason had concerns about offering county sponsored transportation.

A copy of the RFTA lease, questions about insurance, workman's compensation, county liability etc. were unanswered questions.

A copy of the proposal was submitted to the Commissioners for review.

Mark stated he was reluctant to get the group together unless the Commissioners are willing to enter into a contract with RFTA.

Chuck stated this may be viewed as a benefit not available to all employees.

Chairman Smith suggested that Don look at the RFTA lease and get back to them later.

A continued meeting has been scheduled on Monday, November 11th during department heads to discuss the RFTA further.

PUBLIC HEARING - CONSIDER VACATION OF EASTERN PORTION OF CR 318

Don DeFord and Alan Thulson were present.

Don determined that adequate notification was given and the Commissioners could proceed. Alan stated BLM had cut off communication with him and was seeking direction from the Commissioners regarding how to get pass this hurdle.

The Commissioners suggested that Alan contact Mark Morrissey in the Grand Junction Office.

A request to postpone this issue for a period of 60 days was requested. A new date was set for January 13th at 11:00 A.M.

A motion was made by Commissioner Arbaney to continue the public hearing until January 13, 1997 at 11:00 A.M. The motion was seconded by Mackley; carried.

Banking Agreement

Georgia Chamberlain and Don DeFord presented the Alpine Banking Agreement which expired October 29, 1996. Don and Georgia discussed this with Bill Suba and John Cooper of Alpine Bank and they are willing to extend the current agreement for one year. Don stated this would avoid the bidding process and give the new Commissioners an opportunity to take a look at this agreement. There are a few changes that will be necessary to make however. Don stated a few things have to be ironed out prior to submitting for signature of the Board. However, Don was seeking authority for the Chair to sign a one-year extension of the current banking agreement with Alpine Bank. Georgia stated the negotiable parts of the banking agreement are to be more specific on the bank charges. Right now the County is billed a flat rate of \$200 service charge per month and the bank was going to review this to see if this would be the rate. And what is not negotiable is that they have agreed to continue to give the County the 5 basic points above the 90 day treasurer bill on the County's money adjusted weekly. In the original banking agreement, Alpine Bank indicated the \$2.5 million will be allowed. At that time each bank had it's own charter so consequently the County could put another \$100,000 and still get the FDIC Insurance in all their other banks from El Jebel to Grand Junction, Eagle, and Carbondale. Alpine Bank has had a restructuring and now they are all one entity. This summer they had such demand of loans that they allowed the County to keep 8 million there. This interest rate is very competitive, more than competitive. Don added the bank is required to collateralize all of the County investments above the insured amount. The FDIC insures \$100,000 then above that they are required to collateralize at 102% of the market value. Georgia stated this is a good interest rate for the county, they've been great in customer service, not without errors and but always rectify and find the problem in order to move forward. Chuck stated he was very supportive of this agreement.

A motion was made by Commissioner Arbaney to authorize the Chair to sign a banking agreement with Alpine Bank to extend the current contract for one year. Commissioner Mackley seconded the motion; carried.

County Attorney and District Attorney's Office

Don stated there was an issue which came up in the relocation of his office about secured communication between District Attorney and County Attorney's office. There is a common wall located between the two. Rich informed Don that most of the conversations in his office were discernible in the District Attorney's office. When the DA moves into their office, they will have Victim/Witness and a Conference Room adjacent to Don's. Rich has suggested placing some acoustical carpet on the walls. Don stated in his budget there are no funds to do it. Valley Paint came in and bid the process. For Don's it was \$220 and for Milt's \$600 side of the walls.

Don stated this is not guaranteed to work.

The Commissioners suggested Don should check into this further and have Mike investigate prior to ordering the carpet that he should check with Chuck Brenner, FBI, and other departments. They were in agreement to solve the problem but wanted to look for the best solution.

Lease - Colorado West Mental Health Clinic

A motion was made by Commissioner Mackley to authorize the Chair to sign a one year lease with Colorado West Mental Health Clinic at the Taughenbaugh Building for a total of \$838 per quarter for 1,200 sq. feet. Look at raising - one way to make a donation. Commissioner Arbaney seconded the motion; carried.

Commissioner Arbaney suggested all rent space should be looked at during budget time.

CONTINUED PUBLIC MEETING - SB 35 SUB EXEMPTION LOCATED ONE MILE SOUTHEAST OF RULISON ALONG CR 309. APPLICANTS: HAYDEN RADER

Eric McCafferty and Hayden Rader were present.

The Rader/Exxon Subdivision Exemption petition was continued to allow the applicant time to examine the costs and feasibility of annexation to the Town of Parachute. Based on representations made by the applicant at the initial public meeting, annexation would be far too costly to be considered at this time.

Commissioner Mackley stated a cistern has not been used for a lawful source of water supply. He expressed a concern if the County starts issuing cistern permits there may be a problem in the future. Eric stated the cistern supply was in its infancy in Garfield County and this may be the test case. Hayden stated he has tried to look at the options including having a well. This could be the potential of each homeowner within the PUD.

Commissioner Arbaney stated he would rather have cisterns versus wells. Especially this close to a municipal system.

Eric stated annexation is more eminent.

Hayden stated the land is not developable at this point and cannot get a commitment from Parachute and will not be able to until the PUD is developed.

Commissioner Arbaney stating trying to sell a dry lot is what you have.

Hayden stated that roads are not a problem, there is a road to access. City utilities are not feasible at this point.

Commissioner Mackley stated the guidelines for the County are a well. The regulations the County operates under requires a guaranteed source of an adequate water supply which in this instance would require a contract with water supply source. The original owner of the water has to issue the guarantee. Additional discussion was centered around the pros and cons of using cisterns, setting precedent, and the legality of a water source.

A motion was made to deny the application by Commissioner Arbaney with the application fee returned and allow Hayden Rader to re-apply under a new board. Commissioner Mackley seconded the motion; carried.

Commissioner Arbaney stated the denial was based on the lack of proof of water supply on the property and it is an undevelopable piece of property until the PUD is developed and until utilities are available.

PUBLIC MEETING - SB 35 SUB EXEMPTION LOCATED ONE MILE SOUTHEAST OF RULISON ALONG CR 309. APPLICANTS: ODGERS/POTTER

Eric McCafferty stated this needed to be continued until December 9th.

CONTINUED PUBLIC HEARING - SPECIAL USE PERMIT FOR A RESORT LOCATED 1/4 MILE EAST OF CARBONDALE ON BLUE HERON LANE. APPLICANT: ROBERT NIESLANIK

Mark Bean presented the Special Use Permit and Exhibit J - an agreement with a non-exclusive easement included as a condition of approval.

Recommendations:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

The applicant shall have 120 days from the date of the Resolution of Conditional Approval to meet all conditions set forth in the Resolution. The Special Use Permit shall be issued when all conditions are met and shall expire 360 days after issuance, unless construction or use have commenced.

That prior to the issuance of the Special Use Permit, the applicant will provide a copy of the well completion report for the proposed well.

That the applicant will restrict the hunting on the property to only those activities that will use shotguns, not high powered rifles or handguns, and that all shooting will be directed away from the nearby residential uses.

That the applicant comply with all agreements made in the grant of easement with John H. Jacobsen for the use of Blue Heron Lane and that the agreement be recorded in the records of the Garfield County Clerk and Recorder, prior to the issuance of the Special Use permit.

Commissioner Arbaney made a motion to close the public hearing. Commissioner Mackley seconded the motion; carried.

Commissioner Arbaney made a motion to approve the Special Use Permit for Robert Nieslanik for a Resort, located 1/4 mile east of Carbondale on Blue Heron Lane subject to the conditions as read into the record by Mark Bean. Chairman Smith stepped down from the Chair to second the motion; carried. Commissioner Mackley abstained.

CCED Board

A motion was made by Commissioner Mackley to recommend Commissioner Chairman Marian Smith to serve on the Health Insurance CCED Board for another year. Commissioner Arbaney seconded the motion; carried.

ROAD AND BRIDGE DISCUSSION - DISCUSSION OF CR 109 RIGHT OF WAY

Don DeFord, Chuck Deschenes and King Lloyd were present for King's report to the Board.

Road at Mid-Valley Baptist Church

Mildred Alsdorf presented a road being used as a Polling Place for the first time. She stated it is off of a private road at Mid-Valley Baptist Church. Nancy Barnett from the Town of Carbondale had telephoned Mildred and wanted to know what the County would be doing about the road. The Kennel and the church pays to keep this road up.

King suggested video tape of the road conditions before the election traffic and after. He stated the road was in bad shape adding there are enough potholes that it will reduce the speed.

Mildred stated this was the first time to use this church as a polling place and she didn't get called until last week regarding the road conditions.

King will video tape the road before and after the election traffic.

Slaughter Gulch Road

Sam Phelps and King Lloyd were present. King stated that Joe Zelenka has called him and informed him that Del Whittington and Joe were having some misunderstandings.

Chairman Smith stated Joe had the misconception that Del Whittington wanted to move the road across the gully and Chairman Smith is trying to inform him the west side of the gully but the east side of Del's field is where the road will go.

King said that Joe was there the day Sam and King were surveying the road wanting to get into the discussion. He tried to show Joe where they were talking about; Joe finally left. King added that Dave Maves has indicated he is willing to give the County fill off of his land for the road and Del will work with the County. The only stipulation from Dave was if the County leaves a scar that King will put seed on it when finished.

Request - Cattle Creek Gravel Pit - Storage of Vehicles

King stated he had a request to store towed vehicles at the Cattle Creek Gravel Pit from Greg Beightel owner of the Amoco Station on West 6th. The area is 100 x 50 feet and he offered to pay \$150 per month and a 2 year lease.

The Commissioners suggested King obtain this proposal in writing from Greg Beightel and bring it before them at that time.

County Road 109

Sam Phelps and King Lloyd presented they have been working on County Road 109 and in particular the road coming down from Aspen Glen to the intersection of County Road 108

Sam stated he found the plat of the road in the Clerk's Office done by Rosenberg showing the right of way does not exist where the present road is now. In the course of doing this survey work, he came across a map done of County Road from Rockcreek Bridge to the J.W. Hardwick Ranch at Westbank dated 1893. He also came across notes - a compilation of "as surveyed locations on all county roads as they existed in 1893." The existing road does not follow the right-of-way of the existing road. He stated some of these areas are very significant. If the County is going to be making improvements to the road, he asked if he should be trying to clear up any areas of the conflicting right-of-ways.

Chairman Smith stated yes, if that is possible.

Sam stated it gets bad down toward the intersection of 108 road and actually appears that the County road would go through the existing properties that are there now. There are some other areas further up and probably a mile up from the intersection. Sam stated the plat does have a reception number - 10560 and does have descriptions of the roads.

Don stated if there are recorded deeds that will stand up and suggested that the County establish where we want to road to lie.

Commissioner Arbaney suggested the Commissioners take a tour of it and decide.

The Commissioners agreed and instructed Sam to go ahead and do the platting. At some date in the near future, a tour will be set up to determine the corners, etc. A field trip - will be scheduled when Sam gets the new descriptions of right-of-way to the Commissioners.

U.S. Post Office in West Glenwood

King Lloyd and Don DeFord presented there were some difficulties regarding potential storm run-off in the event of a mud slide at the new location of the Post Office Processing Plant in West Glenwood. Don also indicated there were liability issues as some of the improvements being made are in the County right-of-way. A discussion regarding the various issues was held however, a decision was made to invite representatives of the Post Office to a Commissioner Meeting scheduled for November 12th at 3 P.M. to discuss the construction project.

The Commissioners advised King to be prepared to have an alternative plan prepared before the next meeting. In addition, Robin at the City of Glenwood was to be contacted about this agenda item.

Landfill

King reported on the monitoring wells at the landfill and the continuous problems with the drilling by Barrett Resources.

Building and Planning

Mark Bean presented the following items and motions were made accordingly:

Extension - Faye Faas and Brannan Properties 1 & 2

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to grant an extension request on SB-35 for Faye Faas and Brannan Properties until December 4th; carried.

Antonelli Exemption

A motion was made by Commissioner Arbaney to grant Ray Gilbert for the Antonelli Exemption a 120 day extension. Chairman Smith stepped down from the Chair to second the motion; carried.

Acknowledgment of Partial Satisfaction - Aspen Glen Golf Company - Roaring Fork Mesa

A motion was made by Commissioner Arbaney to authorize the Chair to sign an Acknowledgment of Partial Satisfaction of subdivision improvements agreement for Aspen Glen Golf Company in the amount of \$307,800.00 based upon certification from Schmueser Gordon Meyer, Inc. verifying that a portion of the subdivision improvements for Roaring Fork Mesa at Aspen Glen have been completed as detailed in the certificate. Chairman Smith stepped down from the Chair to second the motion; carried.

Resolution - Holy Cross Electric and Lazy H Slash Eleven, L.L.C

A motion was made by Commissioner Arbaney to authorize the Chair to sign a Resolution concerned with the approval of a zone district amendment request by Holy Cross Electric and Lazy H Slash Eleven, L. L. C. Commissioner Mackley seconded the motion; carried.

Extension - Flood

A motion was made by Commissioner Arbaney to grant a request made by Lou Trapani for Drs. William and Nancy Flood for a conditional approval of one year with a date set of August 4, 1997. Commissioner Mackley seconded the motion; carried.

Resolution - Rosemarie Glas

A motion was made by Commissioner Arbaney to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for Rosemarie Glas. Commissioner Mackley seconded the motion; carried.

Census

Mark Bean announced a meeting was scheduled on November 13th from 8 A.M. until 12:00 P.M in Room 301 at the Courthouse.

**PUBLIC HEARING - SPECIAL USE PERMIT FOR A NATURAL GAS COMPRESSOR
LOCATED TWO MILES WEST OF RIFLE. APPLICANT: SNYDER OIL**

Eric McCafferty, Don DeFord, Mark Wilson and Mark McNamee, Operations Manager, Gas Management Group of Snyder Oil Company were present.

Chairman Smith commented on the public meetings held by Snyder Oil with the landowners.

Don determined adequate and proper notification was in order and instructed the Commissioners they were entitled to proceed.

Eric presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B- Returned receipts; Exhibit C - Application with attachments; Exhibit D - Staff Packet; Exhibit E - A copy of the Garfield Zoning Regulations as amended in 1978. Chairman Smith entered Exhibits A-E into the record.

This is a request for a Special Use Permit for a natural gas compressor and related equipment for Snyder Oil on a 2.859 acre tract of land located approximately two (2) miles west of Rifle. SOCO proposes to install an additional natural gas compressor unit, as well as a central dehydration unit, designed to streamline operations and reduce overall air emissions from gas dehydration.

Recommendation

Staff recommends APPROVAL of the application, subject to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

Prior to the operation of the additional facilities, all air pollution emission permits shall be issued by the Colorado Department of Health and operation of the facilities shall be consistent with the conditions of approval of such permits(s). Upon receipt of the permit(s), copies shall be submitted to the Planning Department for review.

The amount of noise to be generated by the operation of this facility be consistent with the predicted amounts as contained herein. The predicted amounts will be used as the maximum allowable level and if sound power levels exceed these limits, immediate mitigation must take place at the sole expense of the operator of the facility.

The construction of the foundation for the engine/compressor unit and all other facilities shall be done in a manner to prevent perceptible vibration from occurring outside of the property boundary as it exists on the Property Survey Map. Any foundations shall be constructed with respect to the shrink-swell and erosive potential of the soil, as identified by the Lincoln DeVore soil study.

Construction at the site shall be accomplished in manner to control further erosion of the parcel.

Reclamation and revegetation of the site shall be required when the operator ceases use of the facility, in a manner that returns the site to its original, reconstruction state.

The applicant file an updated emergency plan with the Rifle Fire Department and the Garfield County Department of Emergency Management, prior to the issuance of the Special Use Permit.

Any out-of-state vehicles used in the construction, operation or maintenance of the facility shall be registered or apportioned in the State of Colorado.

The Special Use Permit shall be issued upon demonstration of satisfactory compliance of all listed conditions of approval.

The applicant/operator of the facility shall control noxious weeds on the site.

Mark Wilson -and Mark McNamee spoke. The reasons for the additional compressor unit have become essential to expand.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to close the Public Hearing. Motion carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve a Special Use Permit for a natural gas compressor and related equipment for Snyder Oil Corporation (SOCO)/Southeast Piceance Joint Venture on a 3.8959 acre tract of land located approximately 620 (2)

miles west of Rifle with all major issues and concerns. suggested findings, and recommendations. Motion carried.

CONSIDERATION OF PROPOSED AMENDMENT TO FINAL PLAT - MOUNTAIN MEADOWS AT PRINCE CREEK

Dean Gordon, Attorney John Schenk, Mark Bean and Don DeFord were present.

Mark stated this is in regard to the Allen/Mountain Meadows at Prince Creek Subdivision. John Schenk submitted a letter which outlined a summary of actions taken prior to the continued hearing on the revised drainage plan for the Mountain Meadows at Prince Creek Subdivision in Garfield County. Mr. Schenk stated at the meeting of September 9, 1996, it was the general consensus of all concerned that the water flowing from any surface drainage caused by a storm even or otherwise should be returned to it historic place of discharge. That place is in the fields now owned by Mr. and Mrs. Hicks located immediately north of the two (2) exempt lots and Lot 8 (presently owned by Mr. and Mrs. Gaddis). This flow is presently directed to Lot 5 where it is retained. There are three (3) solutions to move this drainage water from Lot 5 to the Hicks' property. Those solutions are:

Restore an open trailwater ditch across Lot 8;

Install a culvert system as designed by Schmueser Gordon Meyer on October 30, 1996; or

Extend the berm swale system presently on Lot 5 along the west boundary of Lot 8 into the Hicks' property as necessary so as to return any collected water to the Hicks' field.

The final solution was proposed by David Hicks and appears to be the most practical and aesthetically desirable for the solutions. Both Mr. Hicks and Mr. and Mrs. Gaddis had voiced concerns with regard to the culvert system and although Mr. Hicks had no objection to an open ditch, the Gaddis' have objected to that solution. Mr. and Mrs. Gaddis and Mr. and Mrs., Hicks have not seen a design for the berm system, since none could be prepared since last Friday. In line with this, a request was made by Attorney Schenk to postpone this until November 18th.

The general concept for the redesigned berm swale system was presented.

A motion to reschedule this for November 18th at 3:15 P.M. was made by Commissioner Arbaney and seconded by Commissioner Mackley. Motion carried.

A motion was made by Commissioner Arbaney to adjourn the meeting. Commissioner Mackley seconded the motion; carried.

ADJOURNMENT 3:45 P.M.

Attest:

Chairman of the Board

NOVEMBER 12, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, November 12, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator, Chuck Deschenes and County Clerk and Recorder, Mildred Alsdorf and Commissioner Elect Larry McCown.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report to the Board.

Joint Meeting with Commissioners and City Council of Glenwood Springs

A meeting scheduled with the City Council members and the Commissioners was decided to be held off until the new Commissioners are sworn in.

Mamm Creek - County Road 320 - Battlement Mesa

Mamm Creek will be discussed with King under Road and Bridge. With the sales tax passed, plans can be made as to where the dollars will be spend first to improve which road. Besides Mamm Creek, County Road 320, and Roads in Battlement Mesa were discussed. Chuck estimated \$320,000 needed to allocate for Mamm Creek. Commissioner Mackley stated that the lower part of Mamm Creek was fairly solid but the upper portion was in need of repairs.

Weed Management

Chuck tendered discussion relating to Dave Gallagher and the possibility of him being retained as an independent contractor. Chuck stated that Dave feels we should use this time to recruit for an independent contractor; Dave will only be here from the first of March through the end of August. Chairman Smith suggested we see if anyone else is interested in the position.

Additional discussion was held. Chuck stated he would suggest advertising in the Colorado Farm and Rancher vs. the local papers.

It was also discussed that Dave Gallagher should be available to show what has been done and train a new hire on how to implement the weed management program.

Chuck requested specific goals for this position.

Chairman Smith requested that Chuck notify Dave Gallagher that the County was going to put out a request for proposals on this position.

Van Pool Discussion

Commissioner Arbaney stated that he was against the current proposal. Chuck agreed that he also has reservations; the final decision is up to Commissioners.

Commissioner Arbaney stated his main concern was that the transportation issue must be equitable. He earlier expressed a concern for those coming from Parachute and Carbondale.

Mark Bean stated there were questions at the last meeting that had to do with the proposed lease. Don reviewed the lease and does not feel the indemnity clause is a problem. This van pool is to get employees together; employees will be responsible for costs. Mark added this is an experiment and the downside to the County is total cost of \$300.00 a month. He stated there are 14 very interested employees in the van pool. Employees will sit down and figure out how to pay the cost of the pool. We need to give 30 day notice to RFTA and run the risk of losing \$300.00. Chairman Smith suggested to access the van directly through RFTA. She added that 14 employees isn't a large number but we are working hard to get equity and salary raises. It is mostly a public perception and stated this Board of Commissioners were not ready to pursue it as far as Commissioner sponsored. The new Board may want to discuss is.

Mark stated he would pursue the private non-profit and review it with the new Board.

Executive Session - Litigation - Building Code

Don requested that it was appropriate that Commissioner elect Larry McCown stay.

A motion was made by Commissioner Arbaney to go into an Executive Session. Commissioner Mackley seconded the motion; carried.

A motion was made by Commissioner Arbaney to come out of Executive Session. Commissioner Mackley seconded the motion; carried.

Exemptions - Sales Tax

Chuck discussed the Oil and Gas schedules and Capitol Exemptions.

Honeywell

Chuck submitted the Work Authorization from Honeywell. He added that Don has a copy also.

Honeywell is asking the County to sign a letter of intent with the Commissioner's approval.

Chuck stated they came up with some viable savings and if we implement them they would generate savings.

Commissioner Arbaney stated he was somewhat disappointed with the proposal and wanted more details.

Chuck stated he would get some specifics and have them come in and present. A date was set for 12:00 noon on November 18th.

Chuck stated he will also check into the school system who has used Honeywell and see if they are pleased; the hospital in Rifle also.

Teaching - CMC

Chuck was given the approval to pursue the evening teaching position at CMC as the Commissioners did not see a conflict.

Colorado Water Conservancy Board

Chuck stated there will be an opening in January 1997 on the Colorado Water Conservancy Board. The Commissioners approved Chuck to advertise for the opening. It is Jean Cole's position that will be vacated.

Minutes

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the minutes of the Special Budget meeting of the Board of County Commissioners for October 28 and 29, 1996; motion carried.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Dale Hancock, Don DeFord and Chuck Deschenes were present.

Jail Count

Total in Jail 107: 47 main jail; 25 Work Release; 8 females; 23 in other jails; 1 Home Detention; 0 Day Reporting; 10 DOC; 2 State Hospital. The Workender Program had 11 on Saturday and 10 on Sunday.

Tom reported that Arapahoe County had 141 backlog for DOC. When Tom sends the overload to Teller County they charge what DOC charges.

Park and Teller Counties are contracted out and charge the same.

Converted Warehouse to a County Jail

Tom stated he toured the INS Facility in Aurora. It is a warehouse converted to a jail. The walls are removable and made with cinderblock and none are load bearing. He stated he learned a great deal and the concept is fairly inexpensive.

Tom stated he was going before the Carbondale City Council to present the Mid-Continent Building as an option for a temporary jail. He added that people do not understand the concept between a county jail and a prison.

Another possible site was the Hue Mart Summit Mechanical site.

Tom reported a total of \$44,450 was spent for out-of-area prisoners for the month of October and that this dollar figure did not include transporting.

Vehicle sold.

Tom requested the Chair be authorized to sign the title on a 1986 junk yard car to be sold. Commissioner Arbaney made a motion to authorize the Chair to sign the title; Commissioner Mackley seconded the motion; carried.

Grant - Colorado Consortium Sheriff Auxiliary Program

A motion was made by Commissioner Arbaney to authorize the Chair to sign a grant for \$2000 for community policing to be used in Battlement Mesa for the Colorado Consortium Sheriff Auxiliary Program. Commissioner Mackley seconded the motion; carried.

Quarterly Association of Corrections Retreat - Boulder

Tom announced there will be a Quarterly Association of Corrections Retreat in Boulder on Friday and Saturday, November 15 and 16 with the newly elected District Attorneys and Community Corrections to discuss the possibility of upgrading the risk level from medium low to medium in classifying candidates for the program. Tom stated he will sit on the panel. Changing the risk level becomes a supervision problem; when you change the risk level it increases the supervision levels.

Dale projected if the risk levels were changed, it might increase the number by 10-12. Tom stated they would discuss this with other programs and determine what they are doing.

Executive Session - Federal Court and ACLU

A motion was made by Commissioner Arbaney to go into an Executive Session to discuss the Federal Court and ACLU. Commissioner Mackley seconded the motion; carried.

A motion to come out of Executive Session was made by Commissioner Arbaney and seconded by Commissioner Mackley; carried.

COUNTY BUSINESS - BUILDING AND PLANNING REPORT

Mark Bean submitted the November Building and Planning report which included the following: On Subdivision Exemptions the pace is the same and still above 1994. The areas with the most activity are the Glenwood/Carbondale area mostly with Aspen Glen and Dakota. The commercial is down however. Current Planning includes: Los Amigos Filing 2 and 5; Grace Bible Church; Levitt; Petts/ Holmes; Sunlight Sketch Plan PUD; Long; and Four - Mile. The one going to the Planning Commission include: Haff and Odgers/Potter. Hunt is scheduled for today's agenda.

Resolution - Hayden Rader

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a Resolution concerned with the denial of an exemption from the Garfield County Subdivision regulations for Hayden Rader; carried.

United States Department of Interior Geological Survey

Mark stated the County serves as a pass-through financing service for the United States Department of Interior Geological Survey. They actually pay the County for the costs incurred.

We sign a contract every year with the Federal Government. We generate interest from the East Elk/West Elk Rio Blanco Oil Shale. They pay us money up-front that goes into the Interior. Another one is Texaco and we charge them 5%. It is at no cost to the County. The Commissioners have to sign the contract every year. The contracts for next year's allotments total is \$4,120 for Texaco; the Elk Creek total is \$12,360.00 and the total of both contracts amounts to \$16,480.00.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Board to sign the two contracts as presented; carried.

Resolution - Special Use Permit - Robert Neislanik

A motion was made by Commissioner Arbaney to authorize the Chair to sign a Resolution for a Special Use Permit for Robert Neislanik. Commissioner Mackley seconded the motion; carried.

DEPARTMENT HEADS

Communications Director Jim Stevens; Rifle Police Chief Daryl Meisner of 535 E. 12th, Rifle; and Glenwood Springs Fire Chief Jim Mason of 0152 Creekside Court, Glenwood Springs were present to speak to the Commissioners in regard to the communication system. With the passage of the sales tax they felt there was no time to waste. The group met last week as users to discuss direction and to establish a Steering Committee/IGA. This committee would be composed of seven members: 1 Board of County Commissioners; 1 citizen at large; 2 law enforcement individuals; 2 fire and ambulance personnel; and the sheriff. The purpose of the Committee would be to help draft the initial agreement and have documentation on how this was going to work. Today they were asking that the Board of Commissioners appoint one of the members to serve on this steering committee. Another aspect of the committee will be to make reports to the Board of County Commissioners to ensure communication and cooperation.

Chairman Smith stated the new Commissioners should also be included in having a say in this.

Commissioner Mackley volunteered to sit on it until the new Commissioners are seating.

A motion was made by Commissioner Arbaney to appoint Commissioner Mackley to sit on this Steering Committee and to invite the new ones to sit in on it. Chairman Smith stepped down from the Chair to second the motion; carried.

The first meeting will be held on Thursday, November 14, 10 A.M. in Room 301.

Joint Meeting with City Council

A Joint meeting with the City Council of Glenwood Springs and the newly elected Commissioners was tentatively set for December 16th at 2:30 P.M.

Building and Planning - continued

Mark presented an amended plat for discussion, not signing, on Cedar Hills Ranch Subdivision lots 7 and 8. Mark stated the line was moved to follow a ridge to separate the lots visually and that it was nothing significant. He would present it later for signature.

The Commissioners stated they would not have a problem signing the amended plat when it was prepared.

Clerk and Recorder

Mildred Alsdorf announced that she was sending a letter to the Department of Revenue informing them that Sales Tax had passed. She stated she sent out a notice to the newspapers informing the public that the sales tax increase would take place on January 1, 1997 and all businesses would be notified.

GAIL HUTCHINSON - ADDRESSING ANY COMPLAINTS OR ISSUES REGARDING KN ENERGY COMPANY

Gail Hutchinson of KN Energy was present. She stated the reason she is here is that there are some concerns about the increases with KN Energy. She is the Community Affairs Representative.

Chairman Smith stated at least three letters had been sent to the home office in Scottsbluff asking for a local number to avoid calling long distance to Scottsbluff. Thus far no one has received a response.

Gail stated the home office had moved to Scottsbluff due to restructuring KN Energy but they may need to put another person here locally.

The problems were discussed and suggestions given to Gail to relay back to the home office.

Wildfire Mitigation Grant Process

John Dennison of the Colorado State Forest Service presented that he had just returned from a meeting with the U.S. Forest Service and BLM with all the fire folks here in town about a Wildfire Mitigation Grant Process which is State money. John stated he had sent the information to Guy Meyer and also to the Planning Dept. This is money made available by the State with a cost share grant of 50/50 to do all sorts of wildfire hazard mitigation. They had it last year and Pitkin County and Delta were successful in getting grants to do wildfire hazard mapping as a planning tool for the planning department. This year the emphasis is on the defensible space creation. They have done quite a bit of this on the front range where they've had demonstrations of keeping fuels away from the home to make them better able to survive the wildfire. He stated if they can combine with the Federal agencies to treat both Federal lands and adjacent private lands it would create a shoo-in for some of this money because at the present we are competing with some of the front range communities. John wanted to make the Commissioners aware that this money was available with 50% share of the county that can be soft money in-kind type of a thing and maybe the work

release folks could do some of the work as part of Garfield County private landowner contribution. If we can get the Feds to go in on it and show that we are all partners trying to accomplish the same goal, that would be the ideal situation. So if you know of private land, subdivisions, this kind of thing, where the landowners would be receptive of this it would be good. (This is a big problem because the landowners want the land to look the same as the first day they saw it and cutting down trees is not always accepted.) A lot of publicity was gained with the South Canyon Fire and Buffalo Creek on the front range and that is what the target is this year - wildfire reduction. John stated he would like to see Garfield County come up with a proposal so Boulder and Larimer County do not receive all the funds as they have in the past. John stated that \$8000 is the maximum amount.

Chairman Smith stated she had discussed this with Guy and suggested Divide Creek with numbering on the roads where there is BLM and private land where there have been some fires in the past.

Guy showed John some wildfire hazard mapping as well.

John suggested the limit for equipment was up to \$1,000 and he recommended getting away from equipment requests. He gave Guy examples of the grants that were funded last year.

PUBLIC MEETING - SB-35 SUB EXEMPTION LOCATED NEAR RULISON ALONG COUNTY ROAD 323. APPLICANTS: ROSS AND REBECCA TALBOTT

Eric McCafferty, Don DeFord, and Ross Talbott was present representing his son Ross Mark Talbott. He showed the Commissioners the Power of Attorney.

Don DeFord determined that proper posting had been completed and instructed the Commissioner they were entitled to proceed.

Eric presented the Talbott Subdivision Exemption Modifications and displayed the preliminary exemption plat.

Arnold Murray - 9495 County 115 - Glenwood Spgs and Carl Roberts of 1894 Homestead Road, Glenwood Spgs were present. These are the principal buyers of the land. They wanted to make sure the meander land was designated on the plat.

Eric stated the Board conditionally approved the Talbott Subdivision Exemption petition on September 3, 1996. The applicants are requesting modification of the initial approval for a total of three (3) lots [one existing lot, two new lots], to be served by individual wells. The modified requested includes reducing the number of parcels from a total of three (3) to a total of (2) parcels. The northerly parcel would consist of approximately 22 acres, the southerly parcel approximately 18 acres. With this modification, only one (1) additional well would be required, which the Division of Water Resources has approved, based on a West Divide Water Allotment contract.

Recommendation:

Staff recommends APPROVAL of the application, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.

That the applicant shall submit \$200 in School Impact Fees for the creation of the exemption parcel.

That the following plat notes be included:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade. Additionally, a fire break of at least 60 feet shall be provided between buildings and native, non-irrigated, pinyon-juniper trees."

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid

by the building permit applicant."

"The individual lot owners shall

be responsible for the control of noxious weeds."

The new well be drilled and pump-tested for four (4) hours, with the results presented to the Planning Department along with a statement by the individual conducting the pump test that the well is capable of supplying the intended uses.

That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of a Final Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.

That the exemption plat submittal include a copy of the signing of a Final Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.

The exemption plat shall identify a building envelope, for the northerly parcel, that is entirely outside of the floodplain of the Colorado River and the adjacent meander land, as identified on the Eshe-Life Estate Map, or other relevant map.

That the entirety of the land subject to exemption be accounted for in the legal descriptions of the parcels and on an exemption plat.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve an exemption from the definition of Subdivision 35 for Ross and Rebecca Talbott adding condition No. 11 "to check with Road and Bridge to determine there is existing ingress and egress to said parcel," with all major issues and concerns, suggested findings, and recommendations; motion carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd gave his report before the Board. He stated the County Technical Services informed the County they are the ones doing the random drug sample selection, analysis, and record keeping. The letter gives the County three options. One of the options requires action within the next several days.

Chuck stated Dale was supposed to be involved since Lisa Cain left her position with the County. Dale Hancock is the confidant between the National MRO and King.

King wants it to be the best cost-effective and least intrusive testing for Road and Bridge.

Commissioner elect Larry McCown suggested a method of testing everyone, then doing the random testing. King suggested to dump the system as we have been using it; or have CTSI to recommend someone to handle this. The advantage of being in the Consortium is that you have to have 50% tested for drugs and 25% of those tested for drug and alcohol. King wanted to make sure that Dale was contacted to be sure nothing fell through the cracks.

Monitoring Wells - Landfill

King stated he had received conditional approval from the Department Of Health regarding the further development of the monitoring wells. They advised of concerns that the present monitoring wells system isn't meeting all the needs that the State sees at the landfill. One is the monitoring well below the septic tank. Terra Matrix, our consultant on the land transfer has given us a proposal and a brief conditional approval that what they will do will get the landfill off to a good start. Terra Matrix has submitted bids from drilling companies from Denver to Grand Junction as well as local trying to get proposals that meets the State requirement. King stated he had submitted the contract to Don for review from Terra Matrix. It states a maximum of 6 monitoring wells although initially they will not be monitoring wells. If fluids do show up in these, then they can go ahead and drill a full monitoring well. The cost is \$36 per foot and that's fully developed and ready to go. The specified depth is 10 feet into bedrock. They have estimated for a total of six wells, it will be a little over 600 feet for 6 wells. From geological work done in 1983 King stated they have a pretty good idea of the structure. King stated he felt they would not have to drill more than 4 wells.

Chairman Smith - stated the County needs the locations of these wells to be recorded.

King said Terra Matix will file these and record the wells with the State Water Engineers Office just like any other and the actual sampling pores will be elevated above the ground so they are fully visible standing approximately 4 feet above ground.

Chairman Smith - if they feel we need the 6 we need to leave land enough for 6 even though we may only drill 4.

King submitted the cost breakdown: the drilling including sampling is \$26,510.00 and \$41,065.00 for the entire thing.

Don DeFord has not looked at the contract. He will provide a legal contract review.
The Commissioners approved King to defer the proposal to Don for review.

County Business

Chuck presented the Communication Grant and stated the time has come to start making payments to vendors. Part of the match was coming from the County - \$30,000. Chuck stated he needed these funds authorized by motion to be included if necessary in a subsequent budget amendment through the Communication budget. The other match was an in-kind from county.

Chairman Smith stated that \$25,000 was coming from E-911.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the subsequent appropriation from the fund balance. Discussion: Chuck stated \$15,000 has been received by an initial advance and the disbursement schedule was set up with the Department of Local Affairs then interim payments of \$120,000 and a final payment of \$15,000; motion carried.

PUBLIC MEETING - SB-35 SUB EXEMPTION LOCATED APPROXIMATELY TWO MILES NORTHWEST OF SILT ALONG CR 259. APPLICANTS: NORMAN AND VIRGINIA HUNT

Don DeFord, Eric McCafferty, Norman and Virginia Hunt were present.

Don determined that adequate and proper notification was given and instructed the Commissioners could proceed.

Eric presented: This is an exemption from the definition of subdivision on a 43.28 acre tract of land located approximately (3) miles northwest of Silt, along County Road 259. The applicants propose to subdivide, by exemption, the 43.28 acre tract into three (3) parcels, approximately 14.4 acres in size.

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00 in School Impact Fees, (\$400.00 total) for the creation of the exemption parcels, prior to authorization of an exemption plat.
5. That the following plat notes be included:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."

"Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."

"The individual lot owners shall be responsible for the control of noxious weeds."

"No further divisions by exemption from definition of subdivision will be allowed."

"The individual water supplies for the lots shown on this exemption plat are subject to West Divide Water Allotment Contracts and, as such, it is a requirement of approval that these contracts be maintained by the applicant and/or future lot owner(s) and not allowed to expire."

6. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
7. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.
8. That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted.
9. The applicant shall consult with Road and Bridge and receive any required driveway permits, prior to final approval.
10. Prior to final approval, one (1) well shall be drilled and pump-tested for four (4) hours, with an opinion of the well driller stating the flow should be sufficient for the intended use(s). Additionally, the water shall be tested, by an independent laboratory, for nitrate/nitrite and fecal coliform bacteria content. All information shall be submitted to the Planning Department for review.
11. That the following provisions be included in the protective covenants governing the exemption parcels:

No more than two (2) dogs will be allowed for each residential unit within an exemption and the dog(s) shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog(s) from the area as a final remedy, in worst cases.

No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.

All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve an exemption from the definition of subdivision for Norman and Virginia Hunt on a tract of land as identified in the staff packets with all major issues and concerns, suggested findings and recommendations with the following exceptions: changes as shown above in recommendations to condition No. 10 and No. 11; motion carried.

PUBLIC HEARING - PRELIMINARY PLAN: PETTS-HOLMES SUBDIVISION - LOCATED APPROXIMATELY SEVEN MILES NORTHEAST OF CARBONDALE OFF OF CR 113.
APPLICANT: ROBERT HOLMES

Don DeFord, Mark Bean and Robert Holmes were present. Don determined that proper notification was adequate and instructed the Commissioners to proceed.

Mark Bean presented the following Exhibits: Exhibit A - Proof of publications; Exhibit B - Returned Receipts; Exhibit C - Application and all attachments; Exhibit D - Project information and attachments; Exhibit E - Letter from the Jonathan L. White, Engineering Geologist; Exhibit F - Letter from the Steve Lautenschlager, State Engineer's Office; and Exhibit G - Letter from the neighbor - James D. Peterson. This is a preliminary plan for the Petts/Holmes subdivision for Robert F. and Cathleen E. Holmes on a 39.8 acre tract of land located approximately seven (7) miles northeast of Carbondale, off of county road 113. The applicant is proposing a split of the 39.8 acre parcel into two (2) parcels of approximately 27.5 and 2.3 acres. The two parcels will share a well and utilize individual sewage disposal systems.

Recommendations:

Staff recommends approval with the following conditions:

That all representations of the applicant, either within the application or stated at the public hearings before the Planning Commission shall be considered conditions of approval, unless stated otherwise by the Planning Commission.

The applicant shall pay \$200 per lot in School Impact Fees prior to the approval of the Final Plat.

A Final Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot, access to a public right-of-way for County Road 113 and include the following plat notes:

- a. "Soil conditions on the site may require engineered septic systems. Specific ISDS needs on the site will be based on percolation rates at the time of building permit."
- b. "All buildings shall submit engineered plans for the footers/basements consistent with the recommendations contained in the geotechnical report prepared by CTL/Thompson, Inc. dated 6/3/96."
- c. "The area surrounding the properties in this subdivision is agricultural in nature and some agricultural practices may not be compatible with rural residential land uses, but the agricultural use has priority over the residential use."
- d. "The property in this subdivision are not within any fire district and should expect to pay for any services provided by district."
- e. "Control of noxious weeds is the responsibility of the property owner."
- f. "The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
- g. "No open hearth solid-fuel fireplaces will be allowed; each dwelling unit will be allowed one (1) new wood-burning stove as defined by C.R.S. 25-7-407, et. seq. and the regulations promulgated thereunder; and there will be no restriction on the number of natural gas burning fireplaces or appliances included in the protective covenants."
- h. "One dog will be allowed in each residential dwelling unit in the subdivision. This requirement will be included in the protective covenants, and will be enforced by the homeowners association."

Prior to the approval of a final plat, the applicant drill the well and demonstrate the following:

- a. A well be drilled and a 4 hour pump test shall be performed;
- b. The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- c. The results of the 4 hour pump test indicating the pumping rate in gallons per minute and information showing All construction shall be consistent with USFS Wildfire Prevention Guidelines drawdown and recharge shall be submitted to the Planning Department;
- d. A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department;
- e. An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- f. If the well is to be shared, the provision for individual water storage tanks of no less than 1000 gallons for each proposed lot is suggested;
- g. A legal, well sharing agreement which discusses all easements and costs associated with the operation and maintenance of the system and who will be responsible for paying these costs and how assessments will be made (for shared well systems);
- h. The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

Prior to approval of a Final Plat, the applicant will obtain a driveway permit for the smaller lot from the County Road and Bridge Department.

A motion was made by Commissioner Mackley to close the Public Hearing. Commissioner Arbaney seconded the motion; carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the preliminary plan for the Petts/Holmes subdivision for Robert F. Petts and Cathleen E. Homes as described in the project information and staff comments with all major issues and concerns, suggested findings, and recommendations including those as shown in the conditions listed above; motion carried.

DISCUSSION ON POST OFFICE IN WEST GLENWOOD

King Lloyd, Don DeFord, Chuck Deschenes and Mark Bean were present.

Joel K. Roitenberg, City of Glenwood Springs Planner Andrew McGregor, John Williamson, and Fred Ballard represented the U.S. Postal Service.

King stated he had sent the drawings over to Joel for ideas and input on the site plan. The sketch plan was laid out before the Commissioners that will address the City's needs as far as landscaping goes and the sidewalk as far away from the roadway as possible. King explained the width of the asphalt would be widened to 10 feet and a 2 foot concrete pan, then a 5 foot sidewalk then 2.3 feet of landscape space between the edge of the sidewalk and the County's right of way line. From the County's right of way's line over to the retaining wall there is a distance of 8 feet. The tree in the sketch does not belong to the County. Joel stated this was a win-win solution.

Some of the landscape space would belong to the County and the remaining space would belong to the City.

Don stated that none of the stairwell would be in the County right of way property.

Commissioner Arbaney stated he would prefer to have the driving lanes widened instead of the landscape space.

The postal service explained that the purpose of the stairwell was designed as a private entry into the postal building. Snow removal was planned in the maintenance of the building.

Agreement between the County and the Postal Service

Don DeFord calculated the County's cost sharing of the cost paving services, snow storage, parking estimated at \$3 million on the 22 foot lane and 10 feet of parking would be two twelve's (split with all the municipalities) of \$61,000 a year, or 2.5%. Don stated there is 2.5% that is devoted solely for the County to use to work on roads around municipalities.

The postal service wants to get an agreement between the County and the Postal Service on an amount that will be paid directly to the contractor. That agreement that will be signed would be attached as part of a back up as a change order to the contractor so they will know what the postal service share is and the county's share.

Don did not see a problem with this but stated it needs to be part of a permitting process to use the County's right-of-way so this can be incorporated as well. This would be to permit for the road and the sidewalk.

It was suggested that the cost sharing could be attached to the permit.

Don raised the issue due to relocation costs and indemnification that these are part of the standard permitting and one of the issues Don needs to address today is that the Board's waiver of those requirements as the postal service will not execute a permit that contains these requirements.

Commissioner Mackley wanted clarification from Chuck Deschenes if the County could pre-spend the dollars.

Commissioner Arbaney stated the cost of \$61,500 divided by 6 communities would be \$10,000 which is not very much.

Don stated what he anticipates doing is issuing a permit to the postal department. Joel in this case will be authorized to sign a permit that contains certain additional conditions over and above what the County normally has and also waive certain requirements which the County normally has.

Chuck estimated by considering the treasurer's fees and everything he projected roughly about \$73,500 County-wide. The City wants more under their direct control than they wanted the County to have so that was the compromise that was worked out. Chuck explained there was no real split specified but it just states the county would spend it in areas that were high-probability of being annexed into the corporate municipality of Garfield County. These projects may be completed by Garfield County in conjunction with the incorporated municipality pursuant to an intergovernmental agreement. The purpose of these expenditures is to improve the roads and bridges into as good of condition as possible so that it eases the financial burden on the municipality annexing such roads and bridges.

Chuck stated all the funds could be expended on this one project. It was a matter of priorities.

Commissioner Mackley wanted to have this conversation relayed to Michael Copp to determine if the City is working together with the County on this.

Don asked the Commissioners their pleasure in proceeding, suggesting if the Commissioners wanted to authorize the Chair to sign a type of cost sharing arrangement that would be incorporated in this permitting process.

The postal service could not pinpoint when some numbers would be ready, but projected two to three weeks before amounts would be completed. He stated they have to do some design work first.

No work was ready to be started in the roadway and nothing has been started in the right-of-way.

Commissioner Arbaney suggested to wait until there are some numbers stating he felt there was an agreement philosophically that the County will do some sharing with the postal service.

Chairman Smith stated there was a gathering with the City Council of Glenwood Springs scheduled for December 19th and could discuss this at that time.

Commissioner Arbaney stated the rough draft of the agreement and the numbers should come at the same time in order for the Commissioners to see the entire thing.

King stated there are some other things that need to be worked out in the excavating agreement as well therefore suggesting to leave the cost sharing amount blank.

Restated:

Joel - What we are all agreeing to is an agreement in concept that the County and the Postal Service will share in the cost of the 12 foot pavement section, construction and whatever design cost involved in that; to get that in place and it will be an even split.

The stairwell is perpendicular to the street - they are turning that stairwell, redesigning that to make that work also, so there are a number of things going on to make this work for everyone.

Chairman Smith stated that hindsight is always good but it would have been nice to have everyone sit down before this started and realize that there was the use of the County right-of-way. All of us are trying to make some corrections here for something that is already started.

Discussion - Mamm Creek County Road 315 and County Road 320

Mamm Creek

The cost to complete the road repairs was estimated at \$1,054,000 to re-do the entire project, figured in that cost was 4.5 miles of asphalt at \$55,000 per mile subtracted from \$1,054,000 and the remainder would be all the dirt work and hauling in additional gravel. This would put the total close to the \$810,000 projected.

Chuck stated he thought the original application stated to finish County road 320 to Jenkins and this is consistent with the drawings and spreadsheet.

King stated the engineering is done on Mamm Creek.

Chuck stated he would work on the Energy Impact Grant and bring it back to the Commissioners in a draft form.

Adjournment 5:15 P.M.

Attest:

Chairman of the Board

NOVEMBER 18, 1996
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, November 18, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator, Chuck Deschenes and County Clerk and Recorder, Mildred Alsdorf and Larry McCown.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report to the Board.

Chuck handed out the Sales Tax Projection total for 1997. The breakout is: total tax - \$3,021,498. 25% Communications - \$755,375; 35% Road and Bridge - \$1,057,524 and 2.5% (mini work) - \$75,537; 12.5% Municipalities - \$377,687; 12.5% Sheriff's Office - \$377,687; and 12.5% Public Health, Community Services and Human Services.

Bills

Chuck presented the bills and summary for discussion and approval.

Late payments on bills

Chuck was directed to put out a memo regarding turning in timely bills in order to avoid credit cut-offs and letters to the Commissioners about late payments.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the Bills as submitted for the 1st run of October, 1997.

BUDGET DISCUSSION

Margaret Long - Human Services stated she wanted to have a discussion with the Commissioners regarding the dispersal of the sales tax designated for Human Services. Margaret provided the following for discussion: Area Aging Dues - \$8,000 local match; 1st quarter funds to build a reserve fund looking at possibly dispersing 1/2 revenues collected in first half of 1997. She stated that a Human Service Agencies are desperate but prudent to get money in reserves. It was her understanding that the Human Services Commission is to operate under the Board of County Commissioners. She stated the board charges the Commission to comply and review all prior assessments both for grants and for coalition of families looking at needs met and not met in terms of human services. This group would be a good place to review and present them with a current needs assessment by the end of March. After review of the needs assessment, the proposals would be let to address the needs. The Human Service Commission was to review and recommend to the Board of County Commissioners and they would release money under contract July 1. The county cannot give to non-profits, but they can contract for services.

With regard to any re-structuring of the Human Services Commission, Margaret stated there was no problem having citizens at large on the Board. It was hard to get citizens to volunteer.

Commissioner Mackley stated he would like to see a new make-up on the Human Services Commission offering that the committee needs more community input if you can get them to do it.

Margaret express that as the Human Services Director working for the County, the reason she proposed the plan is due to the fact that the expenditure of funds directly affects the expenditures of County services. She want to see that the ones selected enhance Social Services. A focus group of needs are for children between the ages of 1 - 4. She added there are few services for these children. Family Services is a major source of services delivered and they reach an infant up until age one.

Commissioner Arbaney questioned how to identify this group individually, adding that families are in touch with other agencies.

Margaret suggested to the Commissioners to put \$50,000 of the sales tax revenue in reserve. The last year prior to when the Human Services programs were cut, it was funded to \$140,000.

Chuck added that the Sales Tax is a very stable source of revenue. Chuck doesn't see a need for a huge reserve.

JAIL DISCUSSION

Tom Dalessandri and Dale Hancock were present for the Jail Discussion.

Jail Count

Total - 106: 43 main jail; 28 Work Release; 6 females; 23 other jails; 1 Home Detention; 0 in Home Detention; 0 in Day Reporting; 2 State Hospital; 15 DOC; and 2 Workenders.

Dale reported the Workenders were running during the week and that it is tough for Andy to work 15 of the workenders on the weekends. Dale stated this program benefits the jail.

Community Corrections

Dale stated that Community Corrections is the most successful program for the jail. These are beds that would be taken up in the jail and when one can be directed to Community Corrections it relieves bed space. Dale added that some consideration may be given to a reservation system that will advance their position for the jobs. He added that at some point a decision may be needed as to the possibility of adding some additional staffing. Dale stated the program pays for itself in that it costs \$10 per day for each inmate to participate. This covers the wages of the Weekender and the operating expenses for the van.

Chairman Smith reiterated the problem of the backlog of inmates sentenced to the Department of Corrections. The percentage per capita is greater for this county than others.

Tom stated this is a problem everywhere and the Sheriff's are leaning hard on the Department of Corrections and asking them to utilize the space they have wisely.

Tom reported he was looking into other possibilities for temporary jail space. The community's reactions to a temporary jail are due to a lack of understanding. Basically individuals operate on their perceptions. Dale requested a time on the agenda for Alan Matlosz to set a meeting with the Commissioners, both the retiring Board and the newly elected Board. A date was set for December 16, 1996 at 2:30 P.M.

Al Maggard reported on the screening process for Community Corrections. He stated the Judge does not always accept their recommendation but the process provides additional information for sentencing.

Al stated the program is under budget for expenditures and placement.

He also reported since returning from the training that he knows more about sex offenders than he wanted to know.

Don stated he had received further notice from ACLU and they have filed a motion for a new trial. The Judge had denied the request; there is a period of 45 days to appeal to the 10th circuit of Appeals in Denver. Don stated that Dubosky is intent on proceeding with the appeal.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

John and Marty Neislanik came before the Board to discuss the TeKeKi lawsuit and the problems they are having with the traffic on his private road between his house and barn. He stated that sooner or later the Commissioners would be involved. If it is decided that his private road is a public road for access to the private homes in that subdivision, then this will be a real problem to him. He doesn't want to be bothered. John wanted to hear the comments of the Commissioners. His understanding of the situation is that when TeKeKi originated, there was access across the railroad and they could cross if they did certain things.

Regarding the lawsuit, Don DeFord stated nothing seems to be going on. Don has talked to the attorneys and both indicated they will file on restraining orders. Don stated the County will abide by the court order. John reported one of the owners has continued to violate the building permit requirements for a storage garage and new siding on the outside of the house.

He also added that Mark Bean from Building and Planning came out and took pictures. John stated they have been up there working all summer. Having the gate locked is a real hassle for even the Nieslaniks. The opposition claims his private road is a public access. John stated this has been a restricted road since 1968.

Chairman Smith stated that the court will have to decide and she realizes that it is a hard decision.

John added that the Mid-Continent land was purchased by Considine. He added this land doesn't belong in a subdivision because the elk and deer range on this land.

Chairman Smith stated that historically the subdivision was put into place prior to the Commissioners time in office.

John encouraged the Commissioners to take a hard stand. He stated the way the subdivision was previously approved that there is no effective sewer systems but this does not overpower the legal route.

John wanted to know what was Step 1. If they get in, can they get a building permit?

Commissioner Arbaney stated the County cannot deny a building permit if they meet the requirements of Planning and Zoning. He added that in the Aspen Crystal River Estates a minimum of lot sizes 2 acres or larger are required.

The Board of Commissioners agreed with John that this should not have been but it is there and someone would have to pay a tremendous amount of expenses in legal fees to fight the progress. They stated that some speculators are buying up the lots and will bring it to a head. They reminded John that this happened in 1968 - 69. The last 2 years, it has gotten dramatic.

John added the court ruling by Judge Ossola stated that the access from the bridge wasn't acceptable. The Board of County Commissioners would have to issue a road access and the Board denied both.

Don stated the plaintiff was to exhaust his access off the railroad.

John wanted to come before the Commissioners and make sure they were aware of the problem.

Chairman Smith suggested if in fact wildlife does habitat in this area, has John talked to the Department Of Wildlife. She also suggested to John that he might send DOW a letter asking them to buy up there to preserve some of that land. She added that it was her understanding that the DOW has money to spend on land acquisition.

COUNTY BUSINESS

Mildred presented a title and requested the Chair be authorized to sign off on a 1990 Chevy 4-wheel drive vehicle.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign the title to the 1990 Chevy 4-wheel drive vehicle for the Sheriff's Department; motion carried.

HUMAN SERVICE COMMISSION

The Human Service Commission goals and objectives were discussed. A decision was made to have a meeting with the present group of Human Service Commission members at noon on December 11th and a time on the Commissioners Agenda was set.

DEPARTMENT HEADS

Eric McCafferty presented for Building and Planning.

Airport Industrial Park PUD - Extension

A request from Attorney Dave Robbins to extend the preliminary plan for Garfield County Airport Industrial Park PUD approval to December 15, 1997.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve the extension request as presented to December 15, 1997; motion carried.

Release of Credit - Aspen Glen/Roaring Fork Mesa

A request was submitted on behalf of Roaring Fork Mesa/Aspen Glen for a partial release of credit for \$103,150.00 for services for Public Service who requires the contractor to pay up front. Eric stated the request for the release was certified by letters from Schmueser Gordon Meyer, Inc. A motion was made by Commissioner Arbaney to approve the release of \$103,150.00 for Aspen Glen as stated in the record by Eric. Commissioner Mackley seconded the motion; carried.

Resolution - Petts/Holmes

Commissioner Arbaney made a motion to authorize the Chair to sign a Resolution concerned with the approval of a preliminary plan for the Petts/Holmes subdivision. Commissioner Mackley seconded the motion; carried.

Kimball Mountain - Timber Application

Eric presented a proposal for logging and timber from Kimball Mountain and stated he has requested this to be referred to the Planning Commission.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to refer the Kimball Mountain logging and timber proposal to the Planning Commission; motion carried.

TeKe Ki - Assessment

Eric reported that Mark Bean's assessment of the TeKeKi activity was there is some type of building going on. He did not go inside, but some type of siding and other things was going on.

Commissioner Arbaney asked if Mark indicated the type of building that was going on required a permit. Eric stated Mark was inconclusive as to whether or not a permit was needed. If it was siding it would not. As to the shed, Mark could not determine from his view if it was larger than 120 square feet. There is no permit needed unless it is larger than 120 sq. ft.

Commissioner Arbaney suggested that a letter should be sent to Nystroms requesting they come in to the Board and explain what they are doing.

Chairman Smith suggested the Board should talk to Don DeFord and decide how the letter should be worded and who needs to have this discussion.

Extension

Carol McNeel reported that the trip was long and the contest had 21 teams. There was a \$1,000 scholarship involved. The entire event did not go as smooth as she had hoped.

Discussion was held as to the Public Health and Community Services 12.5% Sales Tax portion. Chuck estimated it would be approximately \$377,687 which would be split three ways, although not in equal parts. Chairman Smith stated the Board would decide how much of those funds would be allocated to Extension for the County Fair and 4H. She added that they still wanted to have community involvement as it makes a healthier program.

Carol was asked to submit a write-up of what she needed and if necessary to discuss this with Chuck.

AMENDED PLAT - ANTLERS ORCHARD LOTS 46, 51, 52, 61, AND 62. APPLICANT: PAUL BAGLEY

Eric McCafferty, Don DeFord and Paul Bagley were present.

Eric presented this was a boundary line adjustment and the applicant wanted to redraw the lines of 5 lots making it into a total of 6 lots.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to agree to an amended plat for Antlers Orchard making boundary line adjustments. Discussion: When the plat is presented for signature, a vacate statement is needed from the ditch company and to correct the easement across lot 46. Motion carried.

Road Impact Fee

The current or future road impact fee issue was discussed. Eric stated the Planning Commission adopted a position on recommended changes adding Section 4.94 which amends the subdivision regulations of Garfield County of 1984. Discussion was held and a meeting was scheduled for 7:00 P.M. on January 7, 1997 with the existing Board and newly elected Board to hold a public meeting. Mildred stated she would publish the meeting in the appropriate newspapers.

LIQUOR LICENSE RENEWALS

Mildred Alsdorf presented the following liquor licenses for approval:

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve Rifle Fireside Lanes, Inc. for a Hotel and Restaurant Liquor License renewal; Jim and Vicky Points, The Guzzler for a Retail Liquor Store License renewal, and WKP Inc. Restaurant Sopris for a Hotel and Restaurant Liquor License renewal; motion carried.

HONEYWELL: PRELIMINARY ENERGY PROPOSAL

Joe Staib and Jeff Schusser returned to the Board illustrating the needs assessment they had performed and presented on an overhead projector their findings and solutions to the problem. They projected to begin the first part of 1997.

Chuck stated there are funds in the general fund and it was up to the Commissioners to decide what they wanted to do. He suggested the Commissioners review the handout and get back to him.

ROAD AND BRIDGE DISCUSSION

King Lloyd was ill and no report was given.

COUNTY BUSINESS

Chuck gave the Board a report on CAPP.

BOARD OF HEALTH

A motion was made by Commissioner Arbaney to go into the Board of Health. Commissioner Mackley seconded the motion; carried.

Mary Meisner, Mickey Rimmel and Margaret Long were present.

Healthy Beginnings

Mickey reported she was in the process of moving to that office/clinic where Garfield Legal Services had been located on the first floor.

Nurses

Mary Meisner reported on Public Health. She gave the report on the flu vaccines and Hepatitis B Campaign stating they had performed 3,635 flu vaccines; 275 6th graders for the Hepatitis B vaccine. She stated they had started in Carbondale.

Personnel

Anne Reed was married on Nov. 10th and is relocating in L.A. although she agreed to return after her honeymoon and finish the project for Healthy Beginnings/Nurses.

IAP Coordinator

Mary reported she is aiming to have staff on board by Jan 1st. Brenda Slappy has rejoined the staff as of mid-August and Mary increasing her hours to 30 hours per week. Although she will go to full time - January 1997.

Family Resource Center

On Dec. 4 there is a meeting with Dr. David Buck who has agreed to do some public speaking regarding the outbreak of whooping cough and smallpox.

There is a real interest among the Nursing Directors regarding the Family Resource Center and current growth issues with respect to the Basalt and Redstone areas. They are planning to hold a brainstorming session with a grass roots group of parents and work on some strategy. Mary stated she will keep the Commissioners informed.

Bio-hazardous Sub-Committee

Mary reported on this task stating they need to identify certain employees that may be at occupational exposure. Tasks and procedures and which occupational exposure were identified. Now minutes need to go out to those community members who were unable to attend and needs information and input from the committee members who were now in attendance at the meeting to really complete the task. This gives Mary an inventory of where they are and then decide where they want to go. Some of the employees targeted were maintenance, landfill, nursing, jail personnel, home visitors, emergency personnel, housekeeping, and some of the protection discussed were eyeglass shields, gowns, hymocratics and soap. Mary stated she has also met with department heads to address further questions.

Budget Hearings

These will be held the week of December 16th.

A motion was made to come out of the Board of Health by Commissioner Arbaney and seconded by Commissioner Mackley; motion carried.

DISCUSSION WITH WORKFORCE COORDINATOR - COUNCIL DOCUMENTS

Margaret Long reported that the Governor is proposing major changes within the traditional JPTA in connection with Welfare Reform. Chairman Smith stated she has seen the proposal.

Margaret Long and Bernadette Julich from Colorado Mountain College presented and stated that Colette have been working with the Governor's workforce. Regarding the Workforce State Plan, there are Federal Block Grants. She reported that 16 states received Federal funding then those states make their own plan from the Department of Labor. There are 8 counties in this region. The documents the Governor signed off are called "From School To Work." The grant announcement of 3 to 5 million for 3 years is for "One-stop career assessments". These One-Stop Shops are recent programs and 6 agencies have been funded for this grant.

Mark Fugue from Grand Junction received a grant for 8 counties. This is under State control and there is no input from the rural areas. Mark Fugue stated this program fits well with Welfare Reform and sees it as all fitting in together.

Margaret stated that Garfield County is in partnership with CMC. Welfare Reform has a small subset. She stated that JTPA deals with displaced workers.

Margaret stated she felt the Commissioners should start making a plan and tell them who's going to work and do what.

Single Entry Points

Bob McGill Job Service Center - 118 West 6th Street - Glenwood - added one-stop is designed to be an integration of services. The Goal is to avoid duplication of services.

He reported the Governor wanted to integrate services not depending upon block grants. He was asking the County Commissioners on how to form these center.

CONSIDERATION OF AMENDMENT TO FINAL PLAT - MOUNTAIN MEADOWS AT PRINCE CREEK

Eric McCafferty, Don DeFord and Attorney John Schenk were present.

John submitted a letter for continuance from David Hicks. December 9th - 10:45 A.M.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to continue the hearing until December 9th at 10:45 A.M.; carried.

Extension - Richard Jolley

Eric presented a request for Richard Jolley on a Subdivision Exemption for 120 days. Eric stated this is due to survey and legal work not complete.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to extend the exemption for 120 days; carried.

County Attorney

Don handed out a letter he had received from the Chief Judge Ossola regarding his concern about security. Don stated this will involve the Commissioners and it will require funds. Security of the jail and what the Judge anticipates being done. Ossola wants to deal with it before the budget cycle is ended.

PUBLIC MEETING - SB-35 SUB EXEMPTION LOCATED APPROXIMATELY 5 MILES WEST OF GLENWOOD SPRINGS NEAR CANYON CREEK. APPLICANTS: RICHARD AND KAREN HAFF

Eric McCafferty, Don DeFord, and Karen Haff were present.

Don determined that proper notification and posting was timely and advised the Commissioners they were entitled to proceed.

Eric presented - this is an exemption from the definition of subdivision for a 18.12 acre tract of land located approximately five (5) miles west of Glenwood Springs, east of Canyon Creek. The applicants propose to subdivide, by exemption, the 18.12 acre tract into two (2) parcels of 2.08 and 6.04 acres each. The larger parcel would consist of the existing dwelling and the other improvements and the smaller parcel would be developed as a single family homesite.

Recommendation

Staff recommends APPROVAL of the applicant, either within the application pursuant to the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00 in School Impact Fees, for the creation of the exemption parcel, prior to authorization of an exemption plat.
5. That the following plat notes be included:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."

"Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."

"The individual lot owners shall be responsible for the control of noxious weeds."

6. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
7. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.
8. That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted.
9. Prior to final approval, the well shall be drilled and pump-tested for four (4) hours, with an opinion of the well driller stating the flow should be sufficient for the intended use(s). Additionally, the water shall be tested, by an independent laboratory, for nitrate/nitrite and fecal coliform bacteria content. All information shall be submitted to the Planning Department for review.
10. That the following provisions be included in the protective covenants governing the exemption parcels:

One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases.

No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.

All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

11. The exemption plat shall clearly demonstrate that each lot contains at least one (1) acre of contiguous land that is less than 40% slope.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve an exemption from the definition of subdivision for Richard and Karen Haff on a tract of land as described in the project information and staff comments with all major issues and concerns, suggested findings, and recommendations adding condition No. 11 as shown above. Motion carried.

PUBLIC MEETING - SB-35 SUB EXEMPTION LOCATED IN MISSOURI HEIGHTS SOUTH OF COUNTY ROAD 102. APPLICANTS: STANLEY AND ETHYL GLEN

Eric McCafferty, Don DeFord, and Glen Horn of 215 South Monarch a Land Use Planner were present. Don DeFord determined that adequate notification was in order and instructed the Commissioners they were entitled to proceed.

This is an exemption from the definition of subdivision for Stanley and Ethyl Glen on a 10.65 acre tract of land located approximately five (5) miles east of Carbondale, In Missouri Heights. The applicants propose to divide, by exemption, the 10.65 acre tract into two (2) parcels of 5.32 and 5.33 acres each.

Due to an adequate source of water not being shown, the meeting was continued until December 9th 4:30 P.M.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to postpone this meeting until December 9, 1996 at 4:30 P.M.; motion carried.

Bond Commissioner

Don DeFord stated the program needed to be set for review with Cheryl Hurst and he suggested to have Doug Britten notified to come in and discuss the issues at that time. A time was set for December 2nd during the Sheriff's time on the Agenda.

Intermountain Regional Enhancement Projects

Chairman Smith stated there was a meeting to be held in Eagle County on December 6 regarding an amount of \$700,000 annually that Garfield County might be able to tie into. Commissioner Arbaney stated he would attend.

Highway - 20 Year Plan

Mildred stated she has the Highway Plan - 20 year plan in her office for review.

Executive Session - Excessive Force Claim in Sheriff's Office

A motion was made by Commissioner Mackley to go into an Executive Session to discuss the excessive force claim. Commissioner Arbaney seconded the motion; carried.

A motion was made by Commissioner Arbaney to come out of Executive Session. Commissioner Mackley seconded the motion; carried.

Adjourn

Attest:

Chairman of the Board

DECEMBER 2, 1996
PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS,
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 2, 1996 with Chairman Marian Smith and Commissioners Arnold Mackley and Elmer (Buckey) Arbaney present. Also present were: County Administrator, Chuck Deschenes, County Clerk and Recorder, Mildred Alsdorf and Commissioners Elect - Larry McCown and John Martin were present.

ORDER

Chairman Marian Smith called the meeting to order at 8:00 A.M.

Resolution for Holidays and Hours

Discussion ensued regarding the resolution for the county employees. The new hours of the courthouse were established from 8:30 A.M. to 5:00 P.M. and meeting dates of the Commissioners was approved. There was a change in hours for Rifle Motor Vehicle to open from 8:30 A.M. to 4:30 P.M. and Social Services at Mountain View Building from 9:00 - 4:00 P.M.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve the Resolution concerned with establishing office, hours, work weeks and holidays for the County Offices and specifying the schedule of regular meeting days of the Board of County Commissioners and related matters; motion carried.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report to the Board.

Fixed Asset Deletions

A motion was made by Commissioner Arbaney to approve the Chair to sign the County Attorney's fixed asset deletion sheets. Commissioner Mackley seconded the motion; carried.

Bills and Payroll

A motion was made by Commissioner Mackley to approve the bills submitted for first run of November 30th. Commissioner Arbaney seconded the motion; carried.

Roaring Fork Railroad Right-of-Way

Chuck submitted a request for the Chair or Chair Pro-Tem to be authorized to sign the agreement for the Energy Impact Grant for the Railroad Right-Of-Way. Don has reviewed the draft and it is the same format. It goes to March 31, 1997 and should have three originals from the Department of Local Affairs. Commissioner Arbaney made a motion to have the Chair or the Chair pro-tem Commissioner Mackley to sign the Energy Impact Grant as presented by Chuck. The motion was seconded by Commissioner Mackley; carried.

Airport Board Meeting

Chuck stated the next meeting of the Airport Board meeting will be on Dec. 18th at 4:00 P.M. - at the Airport. Chuck stated the present Commissioners and Commissioners Elect are invited with their spouses for an open house/meeting. There will be a tour of the airport including refreshments.

Southwest Recyclers

The Southwest Recyclers have requested a letter of support to apply for an Energy Impact Grant. The plans are to make this into jobs and have local markets. The main thrust is the recycling of tires per Commissioner Arbaney. Chuck stated they will come in and make a recommendation.

COUNTY ATTORNEY

Don reported the meeting with the City Attorney for Glenwood Springs. The Board stated they would be willing to split the costs on Midland Avenue as originally proposed. The cost for the County Surveyor was estimated at a cost of approximately \$3,000. Don stated that for him to go ahead from the North of Hagar Lane and take the portion from that line (the paved portion of road, etc.) may have only one or two property owners to deal with. City Attorney Teresa Williams was to explore sharing the cost and possible annexation. Sam Phelps will report the first week of January.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Dale Hancock, Al Maggard, Doyle McGinley, Dave Sturges, Don DeFord, Colleen Truden and Chuck Deschenes were present.

Jail Count:

Total in Jail - 95. 31 in major jail; 33 Work Release; 5 females; 24 other jails; Home Detention - 1; none in Day Reporting; 1 State Hospital; 15 DOC. Tom reported they had 20 the latter part of last week. 10 Weekender in the program; and for November, a grand total of \$35,000 was spent for out of area prisoners.

Community Corrections -

Al Maggard reported Community Corrections has had meetings with the Sheriff on alternative locations. They have several leads and they are looking at cost figures. The Sheriff stated he was not locked into anything, just wants a solution.

The regular monthly meeting of Community Corrections will be held on Thursday noon, December 12th at the Hotel Colorado.

BOND COMMISSIONER DISCUSSION

Cheryl Hurst, Doug Britten, Don DeFord and Chuck Deschenes were present.

Cheryl submitted her report from October 11 to November 30, 1996. She stated the number of arrests was 224; total interviews 105 and of those 49 were felonies; 56 were misdemeanors. She assessed 37 in jail as of October 11, 1996. Those qualified for personal recognizance bonds were: felonies - 7; and misdemeanors - 25. The reasons the defendants did not qualify were related to: Criminal history or pending court matters such as probation, other pre-trial matters; or not having sufficient ties to the area. She stated the benefits of the program were: 1) to reduce the jail time of pre-trial defendants; 2) rights of defendants to presumption of innocence protected; 3) all defendants are considered equally, not on the basis of available funds; and 4) verified information to the judges allow for more discretion or reduce or increase bonds, add additional conditions to bonds, and fewer failure to appear which also saves the county monies.

Sonja Dolye, a bondsman was present and stated the Bond Commissioner was presenting very good information. She stated that she personally appreciates the verified information and was 110% supportive. Doug Britten, a private bondsman stated concerns - is it healthy for the Bond Commissioner to alleviate the process? He said the prisoners wait longer to see the Bond Commissioner, and he also knows of times when the Judge has lowered the Bond. He stated the inmates claim they are told to wait.

Doug claims the program is not helping the jail population go down. He also stated that the Bond Commissioner acts like a law clerk for the judges. They have no place to interview and generally stated the Commissioners are creating another bureaucracy.

Cheryl stated she supports the position but felt a person was needed who could work from 3 P.M. to 7:00 P.M.

Tom Dalessandri stated the Bond Commissioners has helped the judge to obtain information but it did not greatly help with alleviating the overcrowded situation.

Cheryl offered the following recommendations: The position requires two individuals due to the hours, stress and burn out. Her recommendation was to hire two individuals who had knowledge of the criminal court system and domestic violence related issues.

Milt really encouraged the Board to look hard at a good pre-trial program, not just a release program.

Chairman Smith stated she felt the program was very worthwhile and suggested doing a workshop after the first of the year.

A workshop was scheduled for mid-January on January 16th, a Thursday with Judge Ossola, Municipal Judge Tom Silverman.

Al Maggard was given charge to propose questions and Doug Britten and Cheryl Hurst to provide input.

Courthouse Security

The Courthouse Security was discussed and Don stated the proposal contents of the Chief Judge. Don stated it was the Sheriff's call on this. He added the Court is pushing for it very soon. He suggested to do morning and afternoon sessions but to wait until after John and Larry was seated.

Dale stated he would compile some useful information and do a population of analysis of prisoners.

Tom stated that the last 10 years have dictated a new security system.

Budget Adoption Meeting

December 20 at 10 A.M. was set for the final review and adoption of the budget for 1997. In addition the department heads would come before the Commissioners to discuss contracts for the upcoming year.

Boards and Commissions

Chuck was directed to send letters out to the ones directly answerable to BOCC stating that all Board members will be continued until further advised. Chuck was instructed to advertise for the River District and stating this required an immediate response.

COUNTY BUSINESS - EMPLOYEE OF THE MONTH

This was postponed until December 9, 1996.

DEPARTMENT HEADS

Acknowledgment of Partial Satisfaction - Aspen Glen

Mark Bean submitted a request from Aspen Glen Golf Company to release \$504,721. He stated this was based upon a certification from Schmueser Gordon Meyer.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the release of \$504,721 to Aspen Glen as reported by Mark Bean. Motion carried.

Extension SB-35- Chuck Donelan

Mark submitted a request for an SB-35 Exemption extension for Charles Donelan until August 5 of 1997.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve an extension for Chuck Donelan until August 5th of 1997; motion carried.

Amended Exemption Plat for Lazy H/Eleven

Mark submitted an Amended Exemption Plat for Lazy H/Eleven, Dr. Jackson's property. They did a boundary line exemption and Mark reported there was some miscommunication between him and John Kemp in procedure. The request was to authorize the Board to sign the Amended Plat. A motion was made by Commissioner Arbaney to sign the Amended Exemption Plat for Lazy H/Eleven as Mark presented. Commissioner Mackley seconded the motion; carried.

Amended Plat of Riverbend Ranches - Lot B

Mark presented a property line adjustment for Riverbend Ranches between Becky Warner and Mary Thompson.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign the Amended Plat of Riverbend Ranches, Lot B as presented by Mark. Motion carried.

Personnel Matter

Mark stated two of his employees would be out of commission for a few days, one for dental surgery and Ken in the hospital to have some corrective surgery. This leaves Mark's department with only one building inspector and requested to hire Bruce Stolback who's been doing some of the plan reviews and he is willing to fill in and do some field reviews. Mark will have to pay the consultant fee of \$25/hour to do this.

LIQUOR LICENSE RENEWAL - SKI SUNLIGHT - HOTEL AND RESTAURANT LICENSE

Mildred Alsdorf presented the Ski Sunlight Hotel and Restaurant Liquor License renewal and stated she has no problem with the renewal.

A motion was made by Commissioner Arbaney to authorize the Chair to sign a renewal agreement for Ski Sunlight Hotel and Restaurant Liquor License. Commissioner Mackley seconded the motion; carried.

Executive Session - Nystrom/Neislanik Litigation

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session to discuss the Nystrom/Neislanik litigation. Motion carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to come out of Executive Session; carried.

PUBLIC HEARING - SPECIAL USE PERMIT FOR AGRICULTURE-RELATED BUSINESS LOCATED AT 1609 COUNTY ROAD 112, AT CARBONDALE. APPLICANT: KATHY WEISS

Mark Bean, Don DeFord, Chuck Deschenes, Kathy Weiss, Dick Stephenson, Scott Balcomb, Trish and Dr. Weitzenkron, Ronald Wilson, attorney for Kathy Weiss were present.

Don DeFord determined proper notification was adequate and advised the Commissioners they could proceed.

Mark presented that he was requesting a continuance for additional information to be presented.

Attorney Ronald Wilson - stated that a continuance may be needed regarding water issues, but today they do object to a continuance.

Don asked if there is a legal source of water.

Ronald Wilson - argued regarding the source of water and stated Scott Balcomb was here to address the water supply.

The following Exhibits were presented: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - Letter from Sherry Caloia dated November 25th; Exhibit F - Letter from Sherry Caloia dated September 20th; Exhibit G - Letter from Kathy Weiss; Exhibit H - Petitions noted on Page 20, 21, 22, and 23; Exhibit I - Letter from Dan and Patricia Weitzenkorn dated November 25th; Exhibit J - Letter from Patric McLaughlin; Exhibit K - Letter from Dan and Mary Ann Keating dated November 25th; Exhibit L - Letter from John and Judith Stewart; Exhibit M - Letter from Mary Marks dated November 24th; Exhibit N - Fax from Mike and Shelia Fitzner dated November 22nd; Exhibit O - Letter from Mariann Hotchkiss dated November 25th; Exhibit P - Fax from Jana Ronsse; Exhibit Q - Fax from Larry and Barbara Fluer; Exhibit R - Letter from Richard and Kaethe Ellis-Williams; and Exhibit S - Letter from Kathy and Jay Powers. Chairman Smith admitted Exhibits A - S into the Record.

Mark stated this is a Special Use Permit for an Agricultural Related Business-sale of agricultural related products for Kathy D. Weiss. Mark added he had a conversation with Dwight Whitehead and related the information to the Board. He stated the staff recommended continuance based upon the water usage.

Attorney Ron Wilson presented the case for Ms. Weiss stating that she has owned this operation since 1980 and has operated a riding stable from the beginning selling tack supplies to those who came. She is primarily in the business of breeding and riding horses operating a riding stable. Mr. Wilson presented that until 1995 she was permitted to operate in an agricultural zoned unit. He stated Kathy was attempting to be in compliance.

Exhibit T - a copy of letter from David A. Powell of Timberline Engineering was submitted. Exhibit U - Letter from Dwight Whitehead with comments on the water resource questions and legal findings.

Mark stated a continuance was being requested for additional information to obtain the building requirements and legal findings filed in water court; he stated this takes approximately 9 months.

Chairman Smith admitted Exhibit T and U into the record.

Attorney Wilson stated Ms. Weiss will submit an application to be in compliance of the building code issue and demonstrate whatever period of time that the building does comply with or make any changes necessary to meet the code.

Hank Grey -1554 - County Road 112 was present and stated he was the closest neighbor to Kathy Weiss and was there on her behalf. He had submitted a Letter, Exhibit P.

Dr. Weitzenkorn asked if her wells could be expanded and was surprised that Dwight Whitehead would give this permission.

Commissioner Mackley stated he would like to see the neighbors work this out among themselves, however, the request before the Commissioners was specifically for a Special Use Permit and in order to grant that certain requirements had to be met.

Dr. Weitzenkorn also stated he would rather deal over the fence versus a Commissioner's meeting.

Recommendations:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

Plans and specifications for a building permit for the tack shop and apartment will be submitted to the Building Department within 90 days of the approval of this resolution and any modifications necessary will be completed by the periodic review on August 4, 1997.

The applicant will obtain an ISDS permit for the system serving the proposed Special Use permit and the size and adequacy of the system be certified by a professional engineer within 90 days of the approval of this resolution and any modifications necessary will be completed by the periodic review on August 4, 1997.

That the applicant obtains a legal water supply that specifically allows for the Special Use Permit.

That on August 4, 1997, the Board of County Commissioners will review the applicant's compliance with the performance standards stated in this resolution in a public meeting. If after the public meeting, the Board determines that the applicant has not met the performance standards, the Board will set a public hearing date to consider revocation of the Special Use Permit.

The business will be open from 10:00 a.m. to 5:00 p.m., Tuesday through Saturday.

The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners" (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade.

Control of noxious weeds is the responsibility of the owner of the property.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to close the public hearing; carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve a special use permit application for Kathy D. Weiss to allow for Agriculture-related Business, specifically for a retail tack store, with the specific conditions as shown above in the recommendations as read into the record by Mark. A date of August 4, 1997 at 2:00 P.M. was set for review; motion carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd presented his report that included:

JQS Road Access - King reported Stuver and Wright did obtain their easement across BLM property. Mark has discussed putting a culvert in the government creek, a low water crossing. King thought this would require a Special Use Permit due to being in a floodplain. Mark has determined that it is just above the floodplain, so there is no process due by the County, but due to the history of the creek and close flooding, King was recommending the owners do some engineering subsequent to building a crossing.

Ice Skating Rink - Town of New Castle - King stated the Town of New Castle has issued a request to local contractors, citizen volunteers and the County to assist in putting an ice skating rink across the river in their park and has approached the county to assist in hauling gravel. The gravel has been donated from the gravel pit at the new City Market site. King stated this would be approximately 125,000 yards of gravel. There was a discussion regarding about exactly how much material would be donated, but King requested approval to haul 8 - 10 truck loads that would take 1 day and two trucks. Commissioner gave their approval.

Zelenka/Whittington - Slaughter Gulch - update - Ed Walters has some material at the Alpine Bank that he is needing to haul out of there and this is an opportunity to do some small fills at Slaughter Gulch. The right-of-way has not been secured yet. The surveyors are still putting together the legal description. King stated the fill dirt was needed behind the barn area. The Commissioners approved three trucks for two days and let the fill sit through the winter.

Four Mile Project - King stated the pre-construction bid on the Four Mile Project was in this morning. Eleven bid packets were sent out and a mandatory bid packet was due back today. This was an initial preview of the project. There were seven contractors that were present: Con-sy; Bogue; Grand River; Gould; GMCO; David Rippy; and Divide Corp. Johnson, Lee Rippy, Del Rippy, and Basalt was contacted by phone but these did not show up for the pre-bid. Bids are due back January 6; a clause in the bid document that contractors have to make their bids good for 90 days pending the County getting a firm right-of-way agreement signed; and the completion of June 26 was set. Sam Phelps has completed the legal descriptions and Don has them now to draw up the legal agreements.

Landfill - King stated the landfill has been inspected by the State Health Inspector and there were no problems. They were glad to see that the County was proceeding with the monitoring wells. They want the County to provide a 50 x 50 parking area just off the Anvil Points road just outside the landfill. However, the County does not need to do anything except to provide the property. We would need to grant them enough easement 1/2 way between the road for a footpath. There will be a legal description. The County just needs to be in agreement to the exclusion within the plan. A letter is to follow.

Adjournment

A motion was made by Commissioner Arbaney to adjourn. Commissioner Mackley seconded the motion; carried.

Attest:

Chairman of the Board

DECEMBER 9, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 9, 1996 with Chairman Marian Smith and Commissioners Arnold L. Mackley and Elmer (Buckey) Arbaney present. Also present were: Commissioners elect - Larry McCown and John Martin; County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes presented his report to the Board.

Honeywell Proposal

Honeywell Spread Sheet was presented and Chuck stated he thought there were some things worth pursuing. There is a period of 5 years or less payback on some of the items. A discussion was held regarding the problems and comments from Honeywell.

Commissioner elect Larry McCown stated, "A decision should be made to have the heat work."

Commissioner Arbaney stated he felt the efficiency of the building is what should be looked at and a payback was a benefit but not an immediate consideration.

Chuck stated Honeywell had proposed to change the entire heating system in the building for a total of \$250,000.

Road and Bridge and Mountain View Building were discussed as to the benefit of doing what was proposed. The payback was over a very long period of time.

Several of the line items were discussed at length. Chuck stated he could get more details if the Commissioners were interested in pursuing the proposal. This was a first pass through and the best estimate was based upon that initial review.

Chuck was directed to have additional discussions with Honeywell and determine if there are any revisions to the figures and bring an updated report to the Board.

Budget

Chuck stated the budget will be printed in the Glenwood Post this week. The money to build the jail will be transferred to the 1997 Budget.

**COMMUNITY DEVELOPMENT BLOCK GRANT CLOSE-OUT MINORITY ENTERPRISE
SMALL BUSINESS INVESTOR COMPANY**

ANALII, INC.

Chuck presented the project completion report for ANALii, Inc. He stated that this is a Public Hearing. Karen R. Thorson - Colorado Office of Business Development was present for the close-out. Chuck stated that adequate and proper notifications were posted.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to close the public hearing.

A motion was made by Commissioner Mackley to sign the project competition contract No. C 8596588 - ANALii - a Community Development Block Grant for the Minority Enterprise Small Business Investor Company, and authorize the Chair to sign. A second to the motion was made by Commissioner Arbaney; carried.

Response from the State on Rifle Correctional

Chairman Smith stated an audit since the beginning was being ordered. It was specific in the issues raised by specific individuals. It is both an environment and financial audit. Chairman Smith stated she would keep the Board up-to-date as events transpire.

Larry McCown stated there was an effort to get the funding cut for the entire facility.

Rio Grande Agreement

Chuck mentioned the Chair has already been authorized to sign this agreement. Commissioner Arbaney stated some funds from a private firm were available to purchase this right-of-way. C-DOT and private funds were possible. Commissioner Arbaney said he was wondering where Garfield County would fit in. Chuck stated the major controversy going in was just how much say Garfield County would have. The land use issue may be one area where input would be valuable.

Commissioner Arbaney stated when the Board was formed, Garfield County should have strong representation.

Chuck suggested a co-meeting with the resigning members and new members meeting to have a discussion. Input in the right-of-way and land use for Garfield County was Commissioner's Arbaney's main concern. The transportation issue was being very overblown in this community. Commissioner Arbaney stated he heard positive comments about Midland Avenue, but last Friday with the heavy snow, those individuals should be watching the accidents and noticing the number of lights an individual had to sit through at 23rd.

Communication Update

Commissioner Elect John Martin reported on the Communication system. He stated the new system will be compatible and will work with the various departments. They will view the site and make recommendations with the committee. This has been experimented in the Canyon and the system was approved by the top CEO. Commissioner elect Martin suggested it was the way to go. Input from the Chair and Co-Chair was in agreement to work toward the new system within a two year period. Chuck and Commissioner Mackley stated they wanted to be advised of the next meeting.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Don DeFord, Chuck Deschenes, and Dave Sturges and Al Maggard were present.

Total in Jail - 96; 39 mail jail; 34 Work Release; 4 females; 17 in other jails; 1 Day Reporting; 1 Home Detention; no State Hospital; 17 DOC.

Tom reported they had done a quick scan of the basement and they were reasonably comfortable that something can be done.

Community Corrections

Al Maggard reported that the Jail Advisory Board has been meeting and looking at short-term solutions. They would like the Board of County Commissioners to authorize the updated \$4,000 environmental study and re-visit the former study of the basement. The ones who have surveyed the basement are comfortable. Bob Fritz stated 50 prisoners could be maintained with some room for immediate storage. There are a few holes that violate the code for cost only. A rough cost estimate will be given. The Advisory Board is compiling a cost comparison on farming out inmates versus operating the cost in the basement to see where we stand. They estimate the basement is the best option.

Discussion was held regarding where these funds would be obtained; the style of housing the inmates in the space; and where storage will be available for the departments utilizing the space currently.

Executive Session - Consent Decree and Legal Issues Regarding Use of the Courthouse Basement

Don requested an Executive Session to discuss the consent decree and legal issues and advise BOCC in any decision to use basement of the Courthouse as a temporary jail site.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to go into an Executive Session to discuss the consent decree and legal issues with respect to using the Courthouse basement as a temporary jail. Discussion: Don requested the Jail Advisory Board members remain in the session. Motion carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session; carried.

COMMUNITY OPERATIONS

Dale presented some alternatives that were being investigated. He stated the possibility of a boot camp in lieu of jail time served would be presented to the Courts in the near future. The location, zoning issues, and details have not been worked out yet.

However, he stated this type of program is gaining a national trend of support. He will concentrate on making a program that looks good on paper first, then sell it to the Court. This would be a sentence only. Selective criteria and age would need to be spelled out in detail. There are models in various counties available. Dale said that Phoenix was one. This would be an immediate solution for overcrowding and move toward alternatives.

Tom stated in the new jail these facilities will be available.

Environmental Study - Courthouse Basement

A motion was made by Commissioner Mackley to approve \$4,043 out of the jail budget to study the environmental concerns in the Courthouse basement. Commissioner Arbaney seconded the motion; carried. Discussion: Dale and Don will work together on this agreement.

Community Corrections

Al Maggard announced the regular meeting of the Community Corrections Board will be held on Thursday at Noon at the Hotel Colorado. Don DeFord was invited to come and give the Board current information on the litigation and consent decree.

Budget - Courthouse Security

Tom reported the U.S. Marshall is also concerned about Courthouse Security. A date will be set for sometime in January to pursue this issue further.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Willa Holgate, Coordinator for Colorado Big Country came before the Board requesting a donation from the county to have a section at the Library for public access for private land owners to be educated and informed regarding natural resources.

Chairman Smith stated the Commissioners were not ready to make a commitment. The county already has a weed program and a GIS mapping system with the planning department.

COUNTY BUSINESS

BUILDING AND PLANNING REPORT

Mark Bean presented the Building and Planning printed report for the month of November.

Mark stated the building valuations show a significant increase above last year.

Aspen Glen and Missouri Heights are the areas where the expensive homes are being built. He stated 1/2 million in total revenues were projected as income to his department.

Resolution - Grace Bible Church

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign a Resolution concerned with the approval of a preliminary plan for Grace Bible Church Subdivision; carried.

Resolution - Kathy Weiss - Special Use Permit

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve a Resolution concerned with the approval of a Special Use Permit application for Kathy D. Weiss; carried.

Acknowledgment of Partial Satisfaction - Roaring Fork Mesa at Aspen Glen

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign an acknowledgment of partial satisfaction for Roaring Fork Mesa at Aspen Glen for \$137,358. Mark stated this was certified and documented. Commissioner Mackley made a motion to authorize the Chair to sign the acknowledgment of partial satisfaction for Roaring Fork Mesa at Aspen Glen for \$137,358 as presented. Commissioner Arbaney seconded the motion; carried.

Extension - Quevado - SB-35

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve an 120 day extension for Susan Quevado; carried.

Extension - Donald and Barbara Chaplin

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve a request for 120 day extension to resolve plat completion on a SB-35 exemption for Donald and Barbara Chaplin; carried.

Extension - Zancanella

Commissioner Mackley made a motion to approve a request made by Tom Zancanella for an extension to April 8, 1997 for a plat approval regarding the terms of access of right-of-way. Commissioner Arbaney seconded the motion; carried.

Elder/Jewell - Plat Amendment

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a plat amendment for Elder/Jewell; carried.

COUNTY ATTORNEY

Budget Amendment

Don DeFord presented a bill from Walt Brown who will represent the Board and the Planning Commission on Sunlight and Springridge Greenwald for \$1687.50. Don requested a budget amendment.

A motion to approve and the budget amendment for Walt Brown for \$16878.50 to handle "Four Mile Projects" was made by Commissioner Mackley and seconded by Commissioner Arbaney; carried.

Executive Session - Litigation - Puma Paw - Rifle Correctional - CRMS - Personnel Matter

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session. Chuck Deschenes was asked to remain. Motion carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to come out of Executive Session; carried.

Resolution - Granting Variance to County Road Standards

Don presented the Resolution granting Variance to County Road Standards for signature of the Chair. He stated a motion had previously been made granting approval for the Chair to sign.

COMMUNITY CORRECTIONS

Dale submitted applications for transfer of control of a corporate licensee of license for a TV translator station on K66BQ; K47AC; KO5HE; and K13QZ for signature of the Chair. Dale stated these had been authorized previously but he had used a signature stamp and needed an original signature for FCC.

Anti-Drug Abuse Certification

Dale submitted an anti-drug abuse certification for the Chair to sign. Chairman Arbaney so moved and Commissioner Mackley seconded; carried.

EXTENSION

Carol McNeel submitted a report. She stated there were two vacancy announcements for review and input was being requested. The Commissioners gave their thoughts regarding the priorities for this department and suggested contacting Willa to determine available resources. Chuck was instructed to call Milan and inform him a letter will be forth coming. Chuck and Carol were instructed to work together on this.

EMPLOYEE OF THE MONTH

Derek Rosales was present to receive the award.

CONTINUED: CONSIDERATION OF AMENDMENTS TO FINAL PLAT - MOUNTAIN MEADOWS AT PRINCE CREEK

Mark Bean, Don DeFord, and John Schenck for Dr. Allen were present. The project concern regarding a drainage change after final plat. The primary property that the earlier property affected was David Hicks who was in the audience. Dean Gordon did a design plan in 11/96 along Lot 8 to collect the water. David Hicks - 1051 County Road 111 stated they were working on a workable design. A motion was made by Commissioner Arbaney to close the Public Hearing. Commissioner Mackley seconded the motion; carried.

A motion was made by Commissioner Mackley that the applicant submit a final amended plat for the lots affected by the proposed drainage easement along with the written copies of the agreements to cross over the private properties involved for Mr. Hicks and Mr. Gaddia as well as an amended Subdivisions agreement. Commissioner Arbaney seconded the motion; carried.

PUBLIC HEARING - ZONING RESOLUTION TEXT AMENDMENT - SECTION 4.07.06, PLANNED UNIT DEVELOPMENT RESIDENTIAL DENSITY. APPLICANT: JANE JENKINS, STAGECOACH ASSOCIATES, LTD.

Don DeFord, Chuck Deschenes, and David P. Brown representing Jane Jenkins were present. Don determined that proper and adequate notification was appropriate. This is a Text Amendment and only required newspaper notification.

Mark submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Application and attachments; Exhibit C - Project Information and Staff Report. Exhibits A, B, and C were admitted into the record by Chairman Smith.

Mark presented - This is an application for a Zone District Text Amendment to Section 4.07.06, PUD residential density calculation. The applicants had previously proposed a PUD plan that had a residential density in excess of four (4) dwellings per gross acre of the development. Presently, the applicants are proposing a PUD at the Ranch at Roaring Fork that exceeds 4 dwellings per gross acre of the development, but would connect to a private water and sewer system that is not a municipal government or special district. This requests requires an amendment to the zoning resolution to allow for residential density in excess of 4 dwellings per gross acre.

David Brown has a proposal with the Ranch at Roaring Fork surrounding the Stagecoach to develop as residential. He had to meet the sewer and water because this was on private property.

The applicants propose to change the language in the original application to delete the following language: **public.....owned and operated by municipal government or special district (as defined by Section 32-1-103(20) C.R.S.** Mark stated the Planning Commission did review and suggested the following:

Recommendations:

The Planning Commission recommended APPROVAL of the proposed Zone District Text Amendment to amend Section 4.07.06 of the Garfield County Zoning Resolution to read as follows:

4.07.06. The overall residential density shall be no greater than four (4) dwelling units per acre within the PUD; provided, however, that the County Commissioners may allow an increase to a maximum of fifteen (15) dwellings units per gross acre in areas where adequate water and sewer systems are readily available and prior zoning classification allowed residential densities greater than four (4) dwelling units per acre, such densities being determined by reference to the maximum lot coverage, minimum setback, maximum floor area ratio, maximum building and height and parking standards of such prior zoning classification. For PUD applications involving 50 or more new or additional units, connection to a public water and sewer system owned and operated by a municipal government or special district (as defined by Section 32 -1-103(20) is required. The overall average residential density shall be calculated by summing the number of residential dwelling units planned within the boundary of the PUD and dividing by the total gross area expressed in acres with the boundary of the PUD> Averaging and transferring of densities within the PUD shall be allowed upon a showing of conformance to the purposes of this section through appropriate utilization of the area within the PUD it achieve high standards of design and livability. The density of

dwelling units in any particular area may be greater than the maximum permitted for a like use in other zone districts.

David Brown commented this is a parcel within an old PUD and they are currently applying for the 5 1/2 acres that is a portion of the overall ranch that was previously zoned commercial and motel lodging for arguably 40 acre plus a 30,000 square foot shopping center. Its within that overall PUD and the whole project is that small portion. When they come back to the Commissioners for 4 1/2 units an acre density on this small portion.

A motion was made by Commissioner Arbaney to close the public hearing. Commissioner Mackley seconded the motion; carried.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve the Zone District Text Amendment to Section 4.07.06, PUD residential density calculation for Jane J. Jenkins, Stagecoach Associates, Ltd. as defined in the project information and staff comments, major issues and concerns, suggested findings and recommendations as suggested by the Planning Commission. Motion carried.

PUBLIC HEARING - SUNLIGHT PEAK, INC. DBA TRAPPERS LAKE LODGE HOTEL AND RESTAURANT LIQUOR LICENSE

Mildred Alsdorf presented the liquor license applications for Sunlight Peak, Inc. - DBA Trappers Lake Lodge Hotel and Restaurant and stated there were no objections to her knowledge. Commissioner Arbaney made a motion to approve the two liquor licenses, Hotel and Restaurant and 3.2% off premises, for Sunlight Peak, Inc. DBA Trappers Lake Lodge Hotel and Restaurant. Commissioner Mackley seconded the motion; carried.

Commissioner elect John Martin stated that Gary Bates has officially retired due to health problems.

BUDGET: SHERIFF/JAIL

Tom Dalessandri, Barbara Sunderland, and Jim Sears were present for the budget discussion.

ROAD AND BRIDGE DISCUSSION

King Lloyd presented his report before the Board.

Chairman Smith stated she had received the following complaints: County Road 128 - Slaughter House Road; County Road 214 deep hole outside a home, damaged fog light; and County Road 204 - not plowed before school buses pick-up. These were discussed and Commissioner Mackley had followed up with two of the complaints. Marvin clarified that part of one of the complaint was due to a mis-communication issue.

Road Scholar Completion

Marvin Stephens reported that Jim Head has completed his road scholar completion. A plaque was presented. King stated he has had between 6 and 7 graduate and the same number participating in the program. King explained that CSU has a program with a library of street operations and a good resource library. At different times they tour various portions of the State, and part of the road scholar program consists of lectures held at Grand Junction. It takes a period of approximately 3 years to complete.

BLM - Landfill

King stated on the transfer audit it would appear that this is near the end of negotiations. A contract of contingencies is being drafted and a copy will be provided to the Commissioners as soon as possible. King is hopeful to have the old and new Board of County Commissioners participate. Chairman Smith stated it has gone on since 1984. The draft of the contingency should be completed this week. This addresses the issues with the Langstaff and access to the public lands and the mention of oil pollution on Anvil Points (the re-torted Oil Shale pile polluting itself); etc.

Landfill - Monitoring Wells

The development of the monitoring well was reported. King stated they hit rock at 70 feet. This may indicate a closed basin under the landfill. At present, they are drilling the second well and if bedrock is

deeper than 70 feet it will indicate there is a shelf. If not it may raise the question of having a 3rd well to be drilled. King also reported that the well was dry.

Request - Harvey Gap Irrigation Company

The road off the dam in front of the coal mine has some erosion in the road way and there is a need to stabilize the road. King stated his department has some old bridge members, 8" beams to support the pipe and save the county road. King stated this will help divert the water some, however, he feels they need some curbing as well. The Commissioners stated they did not have any problem with this happening.

Four-Mile Project

The legal descriptions have been given to Don. The pre-bid has been received.

Drug-Screening Program

King reported that Dale Hancock was involved. The deadline in the original memo has come and gone and nothing has been accomplished. CTSI has lined up another company that HMO had previously been doing. The test will cost approximately \$3 more than HMO. The program has to be on line by the first of the year.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Cheryl Hurst appeared before the Commissioners as Chair of the Human Service Commission to invite the Commissioners to a Human Service Commission Meeting this Wednesday at 10 A.M. at the Rifle Senior Citizens Center. She stated the discussion would center around the role Human Services was to play in the sales tax; to request proposals, review, and make recommendations to the Commissioners for award of funding. She invited the Commissioners to attend and provide input and participate in an open discussion. Chairman Smith stated they wanted Extension to be included in the Human Service Commission as an ex-officio member. She was also disappointed with the United Way Drive and lack of funds generated and she stated she felt the requests would be greater due to that fact.

Make-Up of the Human Commission Board

Cheryl answered some questions about the make-up of the Human Commission stating it was made up of 31 members. Funds are applied through the Commission and then they recommend the ones to be funded to the Commissioners. The membership is spelled out in the By-Laws requiring expertise in various social areas such as: Alcohol, Drug, Domestic Violence, Latino, broader services, and interested community members. A representative from the school board as well. Cheryl stated there were 10 various representatives of Human Service agencies.

Chuck had suggested to Cheryl that this discussion be on record and held with the County Commissioners. A special session was scheduled for January 6, 1997 at 10 A.M. for the Human Service Commission to come before the Board and have a discussion. Cheryl stated she would bring an updated list of the membership at that time.

Executive Session - Personnel

Georgia requested an Executive Session to discuss a Personnel Issue.

Commissioner Arbaney made a motion to go into an Executive Session. Commissioner Mackley seconded the motion; carried.

ODGERS/POTTER EXEMPTION

Eric McCafferty presented a letter from Russell George requesting a continuance of Odgers/Potter due to a water issue.

Don DeFord suggested a date of three months be set.

A date of June 2, 1997 was set.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to set the Odgers/Potter Exemption for June 2, 1997 at 2:00 P.M.

SB-35 SUBDIVISION EXEMPTION LOCATED NORTH OF THE TOWN OF PARACHUTE.

APPLICANT: HAYDEN RADER

Eric McCafferty, Don DeFord and Hayden Rader was present. Don DeFord determined that adequate and proper notification was made and suggested it was appropriate for the Commissioners to continue.

Eric McCafferty presented: Previously Mr. Rader/Exxon were recently denied an exemption from the definition of subdivision, based on a finding that the applicant did not demonstrate, to the satisfaction of the Board, proof of a legal and physical water supply, professed to be a cistern supplied by the Parachute municipal water system.

The applicant has since revised the water supply portion of the exemption petition, and now proposes a shared well that would provide water to the smaller parcels, located south of Parachute Creek.

A fax was submitted from the Town of Parachute Administration stating "in regard to the above subdivision exemption application before the Garfield County Commissioners, a general consensus from the majority stated that no street rights-of-way will be opened for public access, unless constructed to the standards contained in the Parachute Public Works Manual. They will not permit Parachute Park Blvd. to be just graveled and maintained by a road grader."

Mr. Rader stated at some future date, he would like to accomplish this and asked if the Commissioners would approve on the condition of annexing to the Town of Parachute.

Don stated the Commissioners regulations require public access to a road right of way and the statutes do not permit them to do otherwise.

The Commissioners stated they will have to deny the petition/application or allow Hayden Rader to withdraw.

Robert Borg - 8497 Highway 6 & 24 - stated the Town of Parachute wants to annex this land into the Town.

Commissioner Mackley made a motion to allow Hayden Rader to withdraw his application. Commissioner Arbaney seconded the motion; carried.

PUBLIC MEETING - SUBDIVISION EXEMPTION LOCATED APPROXIMATELY SEVEN MILES SOUTHWEST OF RIFLE, ALONG COUNTY ROAD 309. APPLICANTS: CARL AND NORA BERNKLAU

Mark Bean, Don DeFord, Carl and Nora Bernklau were present. Commissioner Mackley noted for the record that he has a conflict on interest and withdrew from the Board.

Correspondence from Shirley Chavez of Barrett Energy, March 4, 1994, was submitted. Don determined that adequate and proper notification had been given and instructed the Commissioners they could proceed. Don requested the Commissioners accept the notification by a motion. Arbaney made a motion to approve the notification. Chairman Smith stepped down from the Chair to second the motion; carried.

This is an exemption from the definition of subdivision for Carl and Nora Bernklau for a 240 acre tract of land located approximately seven (7) miles southwest of Rifle, off of CR 329. The parent tract of land to be subdivided consists of creating a total of three (3) parcels of approximately 8.0, 8.7 and 223.3 acres.

Recommendations:

Staff recommends APPROVAL, with the following conditions of approval:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.

That the applicant shall submit \$200.00 in School Impact Fees for the creation of the new exemption parcels.

That the following plat note shall appear on the Final Exemption Plat:

conditions on the site may require engineered septic systems and that no individual sewage disposal system cannot be built on slopes 30% grade or higher."

"Soil
"Control of

noxious weeds is the responsibility of the property owners." "The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners" (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade." Final approval is subject to a Rifle Fire Protection District that emergency equipment can access the property.

The approval be subject to a well permit being approved for the 8.7 acre parcel. Prior to the approval of an exemption plat, the applicant drill a well demonstrating the following:

- 1) That a four (4) hour pump test be performed on the well to be used;
- 2) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- 3) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge;
- 4) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;
- 5) An assumption of an average or less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- 6) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

A motion was made by Commissioner Arbaney to approve the exemption from the definition of subdivision for Carl and Nora Bernklau on a 240 acre tract of land as described in the project information and staff comments with all major issues and concerns, suggested findings, and recommendations. Chairman Smith stepped down from the Chair to second the motion; carried.

Executive Session - Rifle Correctional Facility Litigation

Don DeFord and Mark Bean were present.

Commissioner Arbaney made a motion to go into an Executive Session to discuss the forthcoming litigation issues for the Rifle Correctional Facility. Commissioner Mackley seconded the motion; carried.

CINDY CRANDELL - COLORADO ANIMAL RESCUE, INC.

Cindy Crandell, President 45851 Highway 6 & 24 with Archie Winters and other members of the Colorado Animal Rescue Foundation who are caring for homeless animals in the area were present.

Cindy had expressed support for a County-wide shelter and adoption centralized center.

Beth Acker - Mid Valley Kennels in Carbondale - 16478 Highway - Carbondale. Owner and manager of the Mid Valley Kennel in Carbondale stated that Eagle County has commissioned her to provide a shelter for the animals. Now they are known as a shelter versus a kennel. She pleaded with the Commissioners to support the shelter and fund this organization.

Beth volunteered to give up her Carbondale contract. This is the kind of support offered to the Colorado Animal Rescue. She stated they have 60 cats in a facility designed for 8 and many are farmed out. She stated she felt that education and owner responsibility is the key to success.

Beth stated they had built up a fund and provide \$25 for spaying. She stated they have a table full of information.

Joyce Harris was introduced. She lives in a mobile home off Mel Rey Road and stated she was feeding over 25 cats. The female cats need to be caught and fixed. She is spending \$100 a month on the cheapest cat food.

Cindy stated they have a network but need to have center. There is a meeting with Colorado Mountain College on Thursday and will be meeting with Bob Evans.

Ron Reed - New Castle - 218 Commachare Trail. Providing food for 21 cats regularly. Also taken in a cat that was in a leg hold trap. The cat knew how to drag the trap and came to his house. Additionally, some are varied sizes and he is working with them to get them adoptable. Feline leukemia was recently diagnosed in one cat which means all have been exposed. He foresees this as a huge problem and enlisted the support of the Commissioners.

Cindy stated education and spay programs were key focus areas in their plea.

Chairman Smith stated animal control was discussed during the Sheriff's budget. Commissioner Mackley asked about the Rifle Shelter. Cindy stated this was not up to code. Ursula was mentioned in the newspaper having a lot of foster homes. The Valley Journal has recently published an article about the need. Chairman Smith suggested Cindy keep the Commissioners updated about the possibility of land. Cindy stated that Bob Noone is the pro-bono lawyer and is actively involved in the organization.

Budget

Chuck stated the Budget has taken up the greatest portion of his time. He projected the employee statements would need to be postponed until after the first of the year.

PUBLIC HEARING: SPECIAL USE PERMIT - FLOODPLAIN LOCATED LOT 5, BLOCK 7, RIFLE VILLAGE SOUTH. APPLICANTS: ERIC AND CATHLEEN LANGFORD

Eric McCafferty, Don DeFord, and Eric Langford were present. Don DeFord determined that proper and adequate notification was made and instructed the Commissioners it was appropriate for them to proceed. The following Exhibits were submitted: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and all attachments; Exhibit D - Project Information and Staff comments; and Exhibit E - Copy of the 1978 Amended Garfield County Zoning Regulations. Chairman Smith admitted Exhibits A - E into the record.

Eric presented this is a Floodplain Special Use Permit to allow the construction of a single family dwelling within the floodplain of Helmer Gulch on a 6600 square foot lot in Rifle Village South Subdivision approximately one mile southwest of the City of Rifle.

The applicants are proposing the construction of a new, single family dwelling on land that has been identified as existing within floodplain zone AO, a special flood hazard area that can be inundated by types of 100 year shallow flooding where depths are one (1) foot or less and velocities are four (4) feet per second.

Recommendations:

Staff recommends APPROVAL of the Floodplain Special Use Permit, pursuant to the flooding conditions: That all representations by the applicant made before the Board of County Commissioners shall be conditions of approval. Prior to the approval of a certificate of occupancy for the residence, the property owner shall submit an elevation certificate, signed and stamped by a licensed land surveyor or professional engineer, for the finished floor elevation of the single family dwelling unit, attesting the floor has been constructed at least one (1) foot above the adjacent street grade (Shotgun Street) and a statement by the applicant's engineer that the foundation shall be capable of resisting the expected hydrodynamic forces associated with water moving at four (4) feet per second. The construction of the residence be performed in accordance with current Uniform Building Code criteria.

A motion was made by Commissioner Mackley to close the public hearing. Commissioner Arbaney seconded the motion; carried.

A motion was made by Commissioner Mackley to approve the Special Use Permit as identified in the project information and staff comments for Eric and Cathleen Langford with all major issues and concerns, suggested findings, and recommendations. Commissioner Arbaney seconded the motion; carried.

CONTINUED PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION LOCATED AT MISSOURI HEIGHTS SOUTH OF COUNTY ROAD 102. APPLICANTS: STANLEY AND ETHEL GLEN

Eric McCafferty, Don DeFord, Attorney Richard Cummins and Stanley Glen were present.

Access to Harmony Lane similar to Levitt Subdivision and agreement of wells were the issues at hand and Eric stated that neither of these agreements have been executed.

Eric presented: The Board will recall that the Glen exemption petition was continued to allow the applicants time to explore the opportunity to become participants to a road Maintenance Agreement for Harmony Lane, the quasi-public road providing access to County Road 102. Additionally, the Board requested the applicants attempted to reach an agreement regarding the shared well (Mid-Valley Well #2) that would be the water supply for the proposed lots. This agreement was suggested to reflect the degree the Glens would be responsible for physical upgrades and continued maintenance of the subject well.

Eric stated he had spoken with the applicant's agent, Glen Horn, who represented that a resolution to the Road Maintenance Agreement is forthcoming and should be available by the time of the continued meeting in this matter. At the time the report was written, Eric reported the agreement regarding the well does not appear to be forthcoming.

A neighbor's comments were submitted and Eric requested the Board consider the comments discussed and, if found to be appropriate, be included in a conditional approval.

Ron Samuelson stated the road agreement as proposed to Levitt was reviewed but it has not been completed. As to the well, Ron stated he supported the well agreement.

Richard Cummins - argued that the road agreement can be made as a stipulation prior to signing the plat. The well, the sharing of cost, and his suggestion that by putting a 4 " line for all rather a well sharing cost agreement for upgrading the well and the lines was a more feasible solution.

Eric stated he has not seen a well sharing agreement furthermore no adequate water supply has been seen. There needs to be an agreement.

Richard Cummins stated there was a water line just off the road. What is in front of this Board, he stated, and the best interest for a solution is a storage tank and requested not having this as a hammer to gain approval of the Board.

Don stated, the terms are that an adequate water supply is demonstrated and proof. The Board has found that at the time of the building permit is not an appropriate time because you already have the lot.

Richard Cummins stated that in this report, the Mid-Valley Well No. 2 has three taps and two taps are available for these lots. The State Water Engineer has signed off on this.

As for the road agreement, the addendum is not complete, however, signatures have been obtained. He was therefore requesting conditions of approval prior to plat approval.

Don stated the staff has requested an adequate water supply be demonstrated prior to approval by the Board of County Commissioners.

Cummins stated this is a private matter and requested the Board approve the application and make this as a condition of approval.

Don stated with the Levitt Subdivision, the Board has requested proof of a road agreement prior to closing the public hearing.

Richard Cummins argued that Mr. Samuelson has stated a new line will be installed.

Don - the Board has a requirement of an adequate water supply to be in place prior to approval of the application. This means that both a legal and physical supply of water must be demonstrated.

Herb Nelson - 0621, Silt - owns property in the area. Herb said Mr. Cummins stated he was approached and didn't see any problem as they just needed to meet and work out the particulars. The other problem has to do with the pumping of the water. This booster pump only pumps 10 gallons per minute. At present there are four taps and before any more taps are done, it will need to be upgraded. To bring it up to full capacity may be the way to go and more cost effective.

The Road was also discussed: Herb stated a subdivision agreement a few years ago required an upgrade on Harmony Lane. The Barnes exemption was the exception. Herb stated he was surprised that it was not a stipulation for this subdivision.

Eric stated as to the Levitt subdivision, it is a public road but privately maintained. It is a difficult question. The Levitts, through their approval, suggested he would chip seal the road down to the Barnes property and get access to the Levitt properties.

Don reiterated that in the past the Board has required these to be finalized prior to taking action.

Commissioner Arbaney stated he favored maintaining continuity as to the rulings done in the past. He suggested the parties work with the staff and quit coming back until they have these things done. Commissioner Mackley agreed and so did Chairman Smith. Eric stated that an agreement must be in writing and in place prior to building permit.

A postponement was requested for a month.

A motion was made by Commissioner Arbaney and Commissioner Mackley seconded to grant an extension until January 20th at 3:00 P.M. Motion carried.

Resolution and Plat

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County Subdivision regulations for John W. Bershenyi. Motion carried.

Resolution and Plat

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for Ross M. and Rebecca Talbott. Motion carried.

Executive Session - Last Claims for Consent Decree - Staff Time - Property Acquisition

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session to discuss the Consent Decree, staff time, and property acquisition. Motion carried.

Adjournment

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to come out of Executive Session and adjourn. Motion carried.

Attest:

Chairman of the Board

DECEMBER 16, 1996

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 16, 1996 with Chairman Marian Smith and Commissioners Arnold L. Mackley and Elmer (Buckey) Arbaney present. Also present were: Commissioners elect - Larry McCown and John Martin; County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

Chairman Smith stated she had a note from the Insurance Board and any employee with a bill over two months old needs to get her a copy of the bill. She also requested that the department heads advise the employees of the new procedure.

Urban and State Enterprise Zone Plan

A motion was made by Commissioner Mackley to authorize the Chair to sign a Resolution for the Economic Development Plan for Northwest Colorado Enterprise Zone which includes Rifle and the West part of the County and excludes Glenwood Springs and Carbondale. Commissioner Arbaney seconded the motion; carried.

COUNTY ADMINISTRATOR

Chuck Deschenes presented his report to the Board.

Application for Assistance from the Federal Government at the Airport and Overlay for Runways

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign, upon review of the County Attorney, an application for Federal assistance at the airport for a construction project consisting of an overlay for the connectors and taxi-way. Discussion: Some State funds have also been received. Chuck reported the amount was between \$800,000 and \$900,000; carried.

Meeting Today - Judge Ossola and Judge Craven

Don presented a request to meet with the Chief Judge regarding Courthouse Security. This was scheduled today at 5:00 P.M. with Judge Ossola and Judge Craven.

Airport Information Meeting

Chuck stated there was a meeting scheduled for Wednesday at 4 P.M. regarding an Airport Informal meeting.

NURSE BUDGET

Mary Meisner and Margaret Long met to review the finalized budget. Mary reported that new staff has been added - a receptionist to the Glenwood Office and Kathy Lancaster promoted to an Administrative Assistant. Also a new Wic Educator county-wide and the possibility of opening satellite clinics starting in Parachute. Carbondale is another area being looked into.

Taughenbaugh Building

A buzzer system is being placed in for the handicapped entrance. Margaret Long also wants to have some measures taken to alleviate the problem of children and the handrails on the second and third floor.

SECURITY - CLERK'S OFFICE

Mildred Alsdorf discussed having a buzzer installed for security purposes at the cashier window which would be tied into the Sheriff's dispatch in case of a threat or an emergency.

JAIL DISCUSSION

Dale Hancock, Don DeFord and Al Maggard were present. Mildred gave the report for Tom.

Jail Count

Mildred Alsdorf gave the jail count as Tom Dalessandri was not present.

100 total; 47 in main jail; 31 Work Release; 4 females; 16 other jails; 1 Home Detention; 1 Day Reporting; and 16 DOC.

Community Correction

Dale stated on Wednesday there is a meeting with Walsh Environmental and they will do sampling on the walls in the basement.

Dale reported that Paul Kantsampis did a sketch showing the rough draft of a layout for dormitories. If feasible he will recommend a design to be built. Most of the storage presently in the basement will be placed by the elevators. Lab work takes several days but he is hopeful by January 6th of having a report.

COUNTY ADMINISTRATION

Library Board

Chuck handed out the Minutes from the Library Board.

Bills

Chuck presented the Claims against Garfield County for November 2nd run.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to pay the claims against Garfield County for the second run of November 1996; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Human Service Commission member Nancy Reinach - 1905 Blake Street - Glenwood - stated she has been serving on the Commission since 1990. They were notified about the money for distribution for services. She said she also wanted to ask the Board of County Commissioners to work with them when they disburse money. Regarding Extension, and Fairgrounds Nancy said she had some concerns and wanted to know what happened and what is correct.

Bruce Christainsen, a member of the Human Service Commission, stated his concern is the same as that of a lot of people which is the allocation process. Human Services worked hard understanding the 6.2% of the funds would be given to them. He stated 36% of the need is related to Extension without the process of input; that's \$50,000 earmarked for a private concern.

The Commissioners reiterated that from the very beginning Extension has been a priority to them. They stated Extension has been functioning on a volunteer basis and has done very well. In their minds, Extension does a great deal to keep kids out of trouble by positive activities and it is a vital part of Community Services. Chairman Smith stated Extension is one of the best preventive programs for youth and if they are not in 4H they are not in need of other types of youth services provided in this valley.

The committee members expressed they felt they would like to have input into how the remaining funds were to be allocated.

Commissioner Arbaney argued against the sales tax saying it left very little discretion for raises for personnel; new chairs in this room; and other types of capital improvement needed in the County buildings. The ballot was not changed and it was well known that it would go to Extension. Chairman Smith read from the Resolution that was finally approved by the Commissioners.

Julie Olson -0098 County Road 132 - Director of the Advocate Safehouse stated she had a concern regarding the percentages. She stated \$164,000 was to be allocated for Human Services.

Cheryl Hurst, Chair of the Human Service Commission, added that it is really their goal to open up a discussion. She agreed that Extension a very worthwhile prevention program. She and every member of the Human Service Commission worked very hard on the sales tax and her concern was that 4 H and the Fair were receiving a great part of that budget. She asked to define what Community Services is.

The Commissioners stated that Community Services has a long range goal and community is to define what Community Services actually is. They encouraged the Committee to look at the big picture.

Deb Stewart - 3301 Peach Valley Rd., a member of the Human Service Commission, stated she is in counseling that works in the area with seniors to help them remain independent in their home. She also worked very hard to pass the sales tax and is concerned that the Commission have input into the grants that are given.

Cheryl suggested to open the discussion and not to write anything into stone until a definition of Human Services is made. She encouraged the group to be pro-active. Again, she felt the matter came down to a creditability issue as she told people that the money would be designated for Human Service Agencies. Commissioner Mackley stated that Extension and 4H have been funded through the County for centuries. The volunteers for these programs have still been furnishing funds to make these things work. He added that Extension has gone from a budget of 1.2 million down to one agent. Nobody is whole through this sales tax passage. He stated that the Sales Tax was a help. The Commissioners are trying to get everyone started back on their way to being whole.

Holly Tatnall - Director in Eagle spoke of her concerns.

Peggy Uetesh - Colorado Mental Health stated she felt robbed of the process. Upset that the Human Service Commission was not consulted and never asked what they think. No one talked to them or asked them for input.

Sheila Markawitz - Blake Street - Glenwood Spgs, spoke as a citizen stating she was not debating with Extension; her problem is with the process and how it came about. She worked to pass the sales tax measure under the assumption that Human Services would receive a certain percentage. She felt this was a large chunk of money for Extension.

Commissioner Mackley again stated that nobody is getting everything they need.

Cheryl Hurst stated the main concern is that the Human Service Commission was not invited during the budget discussions. They feel left out and by-passed and wanted to rectify that in the future. She stated now it is time to look toward the future and make decisions of what they will do.

Chairman Smith stated her concern that the United Way's contributions this year were lower than years past and this will have an affect on requests from various agencies. She wants to make sure that an overlapping of services is not done, but that all services are needed. Part of the mission is to avoid duplication. She suggested to sit down and set up guidelines. She added she wants Extension to be an ex-officio member of the Human Service Commission.

Chairman Smith stated the Commissioners have set aside a reserve of \$20,000 based upon Margaret Long's direct request.

A time was set on the Commissioners' Agenda for January 6, 1997 at 10:30 A.M. for further discussion.

COUNTY BUSINESS

DEPARTMENT HEADS

FINAL PLAT - GRACE BIBLE CHURCH - BATTLEMENT MESA PLANNED UNIT DEVELOPMENT

Mark Bean and Don DeFord presented. Mark requested the Chair be authorized to sign the final plat for the Grace Bible Church.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign the final plat for the Grace Bible Church; carried.

AMENDED PLAT - SIERRA PINON SUBDIVISION - LOTS 9 - 12. APPLICANT: BARTON PORTER

Mark requested the Chair be authorized to sign the amended plat. Don stated the Homeowners Association should be a sign off on this plat. Mark suggested the issue clarified.

CONSIDERATION - RETENTION EXCESS REVENUES

Don stated this was appropriately published. This is a Public Hearing. Don presented Exhibit A - Notice of Public Hearing to Consider Increasing Your Property Taxes for Capital Expenditures. Chairman Smith admitted Exhibit A into the record.

Chuck stated this is basically the calculations for oil and gas exemptions as it relates to new construction. These are computed at \$47,000 in revenue and other \$62,419 for capital. He recommended to Board to pursue the Capitol exemption.

Don stated he prepared a Resolution.

A motion was made to close the Public Hearing by Commissioner Arbaney. Commissioner Mackley seconded the motion; carried.

Resolution

Commissioner Arbaney made a motion for the Chair to be authorized to sign a Resolution concerned with retaining excess revenues pursuant to the provisions of Section 29-1-301. Commissioner Mackley seconded the motion; carried.

DEPARTMENT OF SOCIAL SERVICES

A motion was made by Commissioner Arbaney to go into the Board of Social Services. Commissioner Mackley seconded the motion; carried.

A motion was made to come out of the Board of Social Services by Commissioner Mackley and seconded by Commissioner Arbaney; carried.

ROAD AND BRIDGE BUDGET

King Lloyd presented.

A discussion was held with King Lloyd on the budget for 1997.

ROAD AND BRIDGE DISCUSSION

Postal Annex

King reported this job may shut down for the winter. They are currently attempting to get bids to tent the site.

Landfill

King stated they have shut down the drilling operations at the landfill. It is difficult to get around at the site. The Geologist is suggesting one more hole be drilled to satisfy the State. No water was found in the other four holes. They drilled to bedrock from 33' and 73' deep and it was dry bedrock. The price was not to exceed \$41,000. They found bedrock sooner than expected. One more hole may be drilled but King estimates they will still come in under budget.

King handed out a report and a memorandum requesting an added staff position referenced as a public works technician. He requested this position be considered in advance of this Wednesday's budget meeting.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Carol McNeel and Holly Tatnall of Extension were present. The Commissioners suggested Carol and Holly attend one of the Human Service Agency meetings. The Commissioners wanted them to stay as an ex-officio membership.

Carol and Holly asked for input into the job description. The Commissioners stated that Home Economics is the emphasis.

Mountain Meadows at Prince Creek

Mark Bean and John Schenk of 44221 County Road, New Castle were present.

Mark requested the Chair be authorized to sign the plat. He stated that Mr. Hicks is satisfied that they can close out on a lot. Mark stated he was supportive of this request.

A motion was made by Commissioner Mackley to authorize the Chair to sign the revised plat for Mountain Meadows at Prince Creek after staff's review and the appropriate documents have been submitted; and according to the agreement when the public hearing was closed; and the plat for whatever reason if it cannot be signed by the end of the year, the lots can be closed. Commissioner Arbaney seconded the motion; carried.

PUBLIC HEARING - ABATEMENTS: KING STAR AVIATION SERVICE, PASSAGE INVESTMENTS DOING BUSINESS AS FROZEN MOMENTS

Shannon Hurst presented the following abatements for the Chair to be authorized to sign:

King Star Aviation Service for \$65.40; Passage Investments DBA Frozen Moments for \$826.99.

A motion was made by Commissioner Arbaney to close the public hearing. Commissioner Mackley seconded the motion; carried.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign the abatements for King Star Aviation Service for \$65.40 and Passage Investments DBA Frozen Moments for \$826.99; carried.

PUBLIC MEETING - SUB EXEMPTION LOCATED APPROXIMATELY 1 MILE WEST OF SILT ON CR 236. APPLICANT: GEORGE MCCUNE

Eric McCafferty, Don DeFord, Chuck Deschenes and George McCune were present. This is a continued public meeting. Eric explained that this is an exemption from the definition of subdivision for a 6.34 acre tract of land located on the west side of County Road 231. The applicant proposes to subdivide, by exemption, the tract into two parcels of 3.0 and 3.34 acres each.

Recommendations:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00 in School Impact Fees, for the creation of the exemption parcel.
5. That the following plat notes be included:
"Portions of this property lie within the designated, 100-year floodplain of the First Street Basin. If any development is proposed for the area within the designated floodplain, it will be subject to applicable County, State and Federal review and permitting."

"Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade.

"Upon adoption of road impact fees by the Board of County Commissioners, the lots created by this exemption shall be subject to paying the fees, paid at time of building permit application, paid by the building permit applicant."

"The individual lot owners shall be responsible for the control of noxious weeds."

6. That, prior to the authorization of an exemption plat, the applicants consult with and receive an approved driveway permit(s) for the proposed access, from the Garfield County Road and Bridge Department, if required by Road and Bridge.
7. That all well permits be issued by the State Engineer's Office, the water quality be tested for nitrate/nitrite and fecal coliform bacteria and a water sharing declaration be recorded, prior to the authorization of an exemption plat .
8. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of a Final Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
9. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.
10. That both lots shall conform to all provisions of the Garfield County Zoning Resolution of 1978, as amended, and in effect at the time of authorization of an exemption plat.
11. That the following provisions be included in the protective covenants governing the exemption parcels:
One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases.

No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.

All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

A motion was made by Commissioner Arbaney to approve the exemption from the definition of subdivision for Geroge McCune as described in the staff packet with all major issues and concerns, suggested findings, and recommendations. Commissioner Mackley seconded the motion; carried.

Resolution and Plat - Brannan Properties, Inc.

Commissioner Arbaney made a motion to approve the Chair to sign a Resolution and Plat concerned with granting an exemption from the Garfield County Subdivision Regulations for Brannan Properties, Inc. Commissioner Mackley seconded the motion; carried.

Resolution and Plat - Kurt Gronau

Commissioner Mackley made a motion to approve the Chair to sign a Resolution and Plat concerned with granting an exemption from the Garfield County Subdivision regulations for Kurt Gronau. Commissioner Arbaney seconded the motion; carried.

Resolution and Plat - Faye Faas

Commissioner Arbaney made a motion to approve the Chair to sign a Resolution and Plat concerned with granting an exemption from the Garfield County Subdivision regulations for Faye Faas. Commissioner Mackley seconded the motion; carried.

LIBRARY BUDGET DISCUSSION

Richard Thomas presented a memorandum from the Library Board of Trustees regarding the Marmot Installation completion stating the board of trustees is not requesting additional funding from the county to complete the installation. The estimated fund balance of the Library as of December 12, 1996 is \$352,235.36.

WORKSHOP WITH COMMISSIONERS ELECT - JAIL FINANCING

Dale Hancock, Alan Matlosz with George K. Baum Company, Blake Jordon and Peter Whitmore presented the potential jail financing with the Board of Commissioners and John Martin and Larry McCown elected new Commissioners. He explained how the jail financing would work and stated that most county jails are financed. He referenced Fremont and Montrose as expamples.

Alan Matlosz is prepared to put together the plan. Blake Jordan and Peter Whitmore make sure everything is done with the bond attorneys. He stated he could have the money in 45 - 60 days.

Car Titles

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to sign the following car titles: a '76 Chevy, an '88 Chevy, and an '87 Jeep Wagon. Commissioner Arbaney seconded the motion; carried.

Executive Session - School Impact Fee Litigation - Personnel

Commissioner Arbaney made a motion to go into an Executive Session to discuss the School Impact Fee Litigation and a Personnel issue. Commissioner Mackley seconded the motion; carried..

A motion was made to come out of Executive Session by Commissioner Arbaney and seconded by Commissioner Mackley; carried.

A motion was made by Commissioner Arbaney to approve a billing from Walt Brown for \$2,037.50. Commissioner Mackley seconded the motion; carried.

Orientation for Newly Elected Commissioners - Judge Ossola

Judge Ossola stated he wanted to hold an orientation session for the newly elected Commissioners. Judge Ossola went over the way in which the County interrelates to the Ninth Judicial Judges. He stated this is two separate branches of government created by our forefathers called "checks and balances." The third is the Executive Branch. The judicial is a separate branch of government and the Commission is an agency of State Government, an executive agency within this context. It is important to realize these two separate branches of government work together in this "checks and balance" system. One of the most obvious relationships the courts have with the very schematic County Commissioners, specifically here in Garfield County, is that the County Commissioners are their landlord. Under the statutes of the State of Colorado, the courts are a unified system of State-wide organizations and the employees, the books, the papers, everything that isn't real estate is administered by State Government through and funded by appropriation from the Legislature to the Judicial Department or from some other source and Counties are required to provide the physical facilities - the real estate. Everything that is affixed to the building belongs to the county and everything you can pick up and carry away belongs to the State Judicial Department.

Commissioners are required to provide reasonable facilities for the operations of the court in the County. In this particular case, that represents our shared space in this building and the building in Rifle. In the shared space of course, we have working virtually side by side County Employees and State Judicial Department Employees many of whom do similar work but are administered through separate personnel systems with a separate chain of command and separate compensation scales which sometimes can create some tensions, fortunately as far as he is aware here we've had a harmonious working relationship and that

is evidenced by the joint Christmas party just held. That was a first. This was the largest and I think it speaks to the cooperation among the employees of our various offices. The relationship between the Courts and the Commissioners given the fact that we are two separate branches of government and given that you are our landlord can become really complicated because Commissioners are also litigants before the Courts. Very commonly, in land use planning occasion sometimes Commissioners are named not only in their official capacity but in their personal capacity and we as judges are called upon to preside over these cases while we also have these other relationships which is something that we all have to keep in mind. And it probably requires that our relationship be a little more formal than might otherwise be the case and certainly to the public so as to reduce conflict of interest and reduce the number of cases which the judges have to disqualify themselves. This does become a complicating factor for everybody.

The Courts and the Commission come into contact through the Department of Social Services in Dependency and Neglect Cases. The people of the State of Colorado are represented by the County Attorney and the Department of Social Services has statutory responsibilities in those kinds of proceedings. Again, there are opportunities for tensions because judges are required to make placement decision with regard to children and provision of services with regard based on the best interest of the child while the Department of Social Services is charged with delivering those services and has to work within a budget which the Commission appropriates at least in part. There is a very complicated budgetary scheme but essentially those kinds of dollars. Out of every \$100 spent \$20 come from the County and \$80 from the State but there has to be 100% that meets the need somewhere. This leads to tensions sometimes. There have been Statewide some discussion about that and about the placement decisions made by Courts. Recent statistics from Garfield County reflect that in almost 100% of the cases, placement decisions are made in accordance with recommendations made with the Department of Social Services. There isn't this great disparity where Social Services is coming in and saying place the child in a less expensive Service A as opposed to Service B. There is actually a great deal of concurrence with recommendations, but they cost money.

Of course the courts have a relationship with the Sheriff. The sheriff has a responsibility for providing security for court personnel and facilities. The Commissioners have an obligation to provide reasonable funds to the Sheriff for that purpose.

The Jail is an area where the courts and the Commission have contacts. It's important to remember that judges sentence persons to jail based on existing law and facts of individual cases, judges do not sentence generically, that is to say they do not sentence a class of people, there is a lot of short hand talk about people falling into classes such as domestic violence, DUI, and any of the other classifications that might be referred to. But as a matter of fact, each individual defendant stands before an individual judge in that case. The sentencing in that case must reflect the individual circumstances. So unlike the executive branch of government we can't talk about these things in gross, we have to talk about them in individual cases. And that puts a great deal of strain on jail population issues. There is case law in Colorado that courts are not to take in consideration jail conditions with sentencing an individual, but as a matter of fact we all know that is a reality that we are aware of and do take that into account. That's an uneasy balance that we try to work with.

In my authority as Chief Judge of the Ninth Judicial District I have been appointed by the Chief Justice of the Colorado Supreme Court pursuant to the Constitution and Statutes. The Chief Justice delegates certain of his responsibility to the Chief Judge of each district. Without going into all that with too much detail, what it really means is that the Chief Judge has the administrative responsibility for the operation of the Courts within that Judicial District in accordance with law and with rules set down by the Chief Justice and the Court Administrator.

In this district we have three counties, Pitkin, Garfield, and Rio Blanco County. Three very different counties with very different needs and histories and it is his responsibility to deal with the Commissioners in each of the three different counties on matters related to the courts and facilities in each of those counties. I serve at the pleasure of the Chief Justice. I succeeded Judge Galvin Litwiller who retired in 1991 and have been the Chief Judge since that time. As I said we have a unified system in the State of Colorado which requires conformity to a certain standard throughout the State of Colorado and it is my responsibility to apply those standards here in this County within the context which we all have to work.

My activities as Chief Justice are supported by a Judicial Administrator. Her name is Judy Vanderdees. We share judicial administrator services with the 21st Judicial District, Grand Junction. Judy is both the judicial administrator for the 21st and for the 9th and she is here some days of the week and she is in Grand Junction some days of the week. We communicate by various means, mail, fax, telephone, smoke signals and every now and then actual face to face meetings. She's here on a schedule. For instance this week she'll get here on Wednesday and leaves late Thursday afternoon. On a week by week basis it changes a little bit but it is always posted a week in advance and she is available to do business for us even though she is in Grand Junction.

A lot of the actual day to day contact between the Commission and the courts is either run through the County Attorney and Judge Ossola or Chuck and Judy. That's the way communications normally flow. And I don't frequently appear before the County Commissioners. I'm doing so today as a new role but I don't normally appear at Commissioner meetings when there is business between the courts and the commission, that is usually conducted as I said between Chuck and Judy. And where storage space, maintenance of offices, etc. if there are significant policy issues that arise, frequently Don will come to me or I will go to Don and say we need to figure out how to do it. With the Department of Social Services sometimes there are administrative difficulties that need to be worked out with the Department and usually

we are reluctant to meet with the individuals in the Department directly too often because they are litigants for us. We like to try to handle that through the County Attorney so we can keep that appropriate distance and balance.

We also come into contact with regards to Boards and Commissions and I appoint a number of Boards and Commissions as do the Commissioners themselves and sometimes those Board and Commissions have subject matter that overlap; sometimes Judges are asked to serve on Commissions, and we infrequently do that because again there are these conflict problems.

For years there has been this desire on the part of the Commission to have Judges actively participate in Jail Advisory Committees and in the Community Corrections Board. We've made ourselves available to meet on specific issues and items. We've been reluctant to be full members because there again there are conflict issues in the jail situation reading the papers there is talk of lawsuits and that sort of thing. It is very difficult for a Judge to participate in a Board and Commission and preserve his or her primary responsibility which is to decide in cases of controversy before the Court. So there again, we have again this line to walk and the way that normally gets walked is that the Chief Judge gets more involved in those kinds of things than other judges so as to preserve at least some judicial personnel to hear the case if it gets filed and goes to litigation. So I still have been reluctant to be a full members of the Community Corrections Board or the Jail Advisory Committee although clearly we have a seat at the table when these things need to be talked about because we have an interest. But there is a difference in sitting down and talking about something like that and being a full member of the whole board, so you'll find us pretty reluctant to serve as full members of some of these boards and commissions. There is just a difference in style and in the way the Commission operates and the way Courts operate that make us a little bit different. You're elected by popular partisan ballot vote; judges are appointed by a merit selection process and are retained by a retention vote process which is non-partisan. We are specifically prohibited from campaigning except under some rare circumstances. We don't have contact with constituents like you do. If someone was to call us up in the middle of the night and want to talk to us about a case, we would have to tell them we can't talk to you about that where that's part of what you do, that's part of your job and so our methods of doing business are a little bit different because our roles are different. And we just have to recognize that judges are always careful what they say and to who they say it. We have to be very circumspect. That doesn't mean we are cold, that doesn't mean that we are unfeeling; that doesn't mean that actually we would like in a human sense to sit down and reason together to come out with a solution but again our system of government isn't organized that way and sometimes we just can't do it. So we all need to know and remember that. And as I say the direct contact is not all that frequent and it is usually through these immediate personnel that a few of the things that I feel it is important to say.

Since I have been Chief Judge we have had very few issues that we have been called upon to deal with together. We've had housekeeping issues from time to time with regard to space and how to administer that and sick building syndrome that we all had to visit together with but I have tried very hard to make it a matter of policy to not ask for very much if I could get away with not asking for it and have wanted to be clear that it really isn't the courts job to run the jail or cite the jail and do all those kinds of things. I try to answer questions when people have had questions about our sentencing patterns or how things work in the courts, but to stay away from those issues which are the responsibilities of other folks. I hope it has been a comfortable relationship and I'd like to promote comfort in our working relationship together within the bounds that we all have to work.

Security

A discussion was held with Judge Ossola, the Board of County Commissioners, Don DeFord, Sheriff Tom Dalessandri, and Chuck Deschenes regarding Courthouse Security.

Judge Ossola stated that he had met with Sheriff Tom Dalessandri on Friday and talked about some of these things and understand the perimeters about what we were talking about, I think it is fair to say that while we felt ourselves moving in the same direction, we did not say yes we were compatible with everything on Friday and agreed to do some things, so I'll sort of step back here and the County Attorney and I agree that the State of Colorado on the issue of Security has been a state of flux for some time. I think in the last 1 1/2 year we have gotten some guidance that tells us that the Judge is in charge of security for the courts physically and court personnel and it is his job to work with the sheriff to try to determine the reasonable needs of the court and then it is the sheriff job to come to you for budgetary support. I have to sort of look to the sheriff and he has to sort of look to you. The sheriff and I have talked so I'll step back.

Tom gave a history. Several months ago Judge Ossola requested an audit of the courts' security which he requested of all the judicial districts and with some difficulty with scheduling we finally arrived at a time of when we could get the most appropriate credible service to come in. That was the U.S. Marshal's service since that is predominately their function. They did a fine presentation and some training and awareness and did the audit of the Rifle facility and the courthouse. They came back with some recommendations and the Commissioners have gotten a copy of that report. Judge Ossola did an assessment and came up with some recommendations from his own perspective and relative to that audit that he felt were appropriate for the courts. Ron Van Meter and Jim Sears have met with Judge Ossola to discuss his areas of concern and the follow up meeting just the other day to get prepared to have the discussion with the Commissioners with regard to recommendations. It breaks down to two places right now - the first is that Judge Ossola has made recommendation for a change of several locks within the Courthouse facility within the confines of the Court area. I don't believe his requests are unreasonable for those locks. Judge Ossola stated the sum total was between \$500 and \$800. We are looking at closing off some areas of the court in order to mandate public access better. One is a key pad lock on the door that goes into Judge Zerbi's area off the East/West hallway so that employees can move back and forth through there but general public cannot just

sail in there. We are also going to close a couple doors to make sure that the public can come into the clerk's counter area without being impeded. If they need to come back to get something special they can be cleared to do that. The door to the hallway needs to be secured, but also the inside door that goes actually to the area out of Judge Zerbi's. This is when prisoners are brought up and come out of the elevator. They could conceivably advance into the working area of the clerk's area. So there are two key pad lock areas. Upstairs on the 4th floor, we are going to lock both the North and South Perimeter doors that go around the perimeter. We're going to put a key pad lock on the Southside so that our employees can move back and forth however trying to keep the Courtroom locked except when they are in use. So if someone wants to come up and do business in the Judge's chambers, they'll either check into the clerk's office downstairs; they'll call up and we will meet them at a door; or an intercom phone be put there at the public elevator with the intercom number, dial it and say I need to see Judge Ossola. Then someone will come out and get them. This will keep the general public from having general access without clearance. It will not in any way disrupt the fire security. The fire plan was designed for those doors to be locked in any case. For the purchase and installation of three key pad locks and the intercom - \$500 and \$800 dollars. It is the consensus of the people in the court system that this would measurably increase our ability to deal with some of the things we have to deal with and be of minimal impact. I would like to do this and have it in place by January 15th. That is our goal. There will need to be some signage put up as well.

Judge Ossola stated he has some individuals checking into pricing and there is a facilities planner within the court administrator's office and he has a recommended locks but we are not bound by that. Sheriff Tom stated Judge Ossola could forward his pricing and needs to him and Tom will forward that on.

Judge Ossola stated this was the start.

Tom stated the rest ranges from full-time staff security in the courthouse to security monitors to securing and redesigning in the courtroom for security itself.

On Friday he and Judge Ossola discussed timeframes and Tom needs a lengthy discussion sometime in January with the Commissioners to discuss this further.

School Impact Fees Litigation

Supreme Court struck down Boulder County and Arapahoe County's specific fees but sustained the ability of the county to impose an impact fee under State Legislation for site acquisition. This is important for Garfield County while ours is not the most artful wording in the world, it does talk about site dedication and some minor tuning in Don's opinion is needed.

Executive Session - Pathfinder's Litigation

A motion was made by Commissioner Mackley to go into an Executive Session. Commissioner Arbaney seconded the motion; carried.

A motion was made by Commissioner Arbaney to come out of an Executive Session. Commissioner Mackley seconded the motion; carried.

Adjourn

Attest:

Chairman of the Board