

**JANUARY 4, 1999**  
**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 4, 1999 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**COUNTY ADMINISTRATOR**

***Executive Session - Personnel Director***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of an into an Executive Session; carried.

Ed's report consisted of the following.

***Jail Discussion with City***

Bob Szrot, Ed Green, Mark Bean and Commissioner elect Walt Stowe plus all three Commissioners will be in attendance.

Mildred will not be present as he will be teaching a Government class at Rifle High School; however she said Robin Clemons the City Clerk will be taking the minutes.

***Heating/Cooling - Motor Drive***

Rich is having the manufacturer come and look at the motor drive unit which caused the evacuation last week. It is still under warranty however if they can determine if there was a power surge that caused that then the warranty would be voided.

***Eagle Scouts - Douglas Alan Hayes***

A motion had been previously made for the Chair to sign the letter of congratulations for Douglas Alan Hayes on the attainment of Eagle Scouts.

***Clerk & Recorder - Book Binders***

Mildred mentioned that a company was starting today to rebind some of the old record books that were in need of repair.

***Correspondence and Reports***

The Commissioners reviewed their correspondence.

**PAYMENT OF BILLS - APPOINTMENT OF MEMBERS OF TRP**

Barbara Brown presented the bills.

A motion was made by Commissioner McCown and seconded by Commissioner McCown to approve the bills and payroll as submitted; carried.

***Minutes - November 9, 1998***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the Minutes from November 9, 1998; carried.

**JUDGE OSSOLA - STATUS FIRST ADVISEMENT FACILITY**

Judge Ossola and Don DeFord were present.

Judge Ossola provided the Board a status report on the "County Court First Appearance Center."

He said this as a project was discussed internally within his operation to attempt to accommodate the large number of defendants appearing in traffic and criminal proceedings without lawyers to reduce the congestion in the first floor hallway of the Courthouse. And to provide a more dignified atmosphere for the conduct of judicial business. Historically, there is a growing number of cases not involving defense lawyers in County Court that contribute to confusion and inefficiency. One of the first things is the dynamics of the courtroom activity due to the number of cases and the economics of hiring lawyers as well as the interest of lawyers. What the courts have lost over the years is the role of the lawyer as facilitator. Somebody comes into the system with a guide who takes them efficiently through the system. Folks are now doing this without a guide. This is causing the Courts to do business different than if they are represented by counsel. The First Appearance Center is a way to deal with individuals who chose not to be represented by attorneys. The concept of the First Appearance Center developer to handle which requires a separate room in some close proximity to the Courtroom to handle these people. The Library space became an obvious point to consider to convert for this center. The reduction in state funding for the library and the fact that greater reliance on computer based legal research has replaced the need for the law library to be updated. The philosophy of funding has also changed and the library has been redefined. Discussions were held with Judge Zerbi and the District Attorney and they agreed to experiment with a First Appearance Approach and began using the 4th floor jury assembly room when not other occupied. The approach proved to be much more efficient and appropriate -- the difficulty with that room is that it is on the 4th floor. Some room near the County Courtroom was determined to be more convenient and better all around. They designed the center with cooperation of the District Attorney, county staff and court staff including Ed Green and Bob Szrot. It was a design that would meet everyone's needs and understood it to be approved. As a matter of fact, the Courts were asked to vacate the current library space as quickly as possible so that folks with hammers and nails could get in there and get started with the project. And then it gets cloudy for Judge Ossola as he wasn't dealing with all this personally. He said they were told that the project would not be approved by the County and the County would not participate in the First Appearance Center. So everything stopped. At this point, they took an internal assessment and decided that it was important enough to go through with it. In order to make it work right and be efficient and have a dignified atmosphere to conduct judicial business, they needed a conference room so those the deputy district attorney and the unrepresented defendant can have a place to talk where everyone else is not sitting around with telephone access and a computer station if needed. Therefore, they need to divide this library space into two rooms and this is his purpose to be here to explain this and revisit the issue. He asked for the Board's participation to produce a product that everyone would be proud of. It would be another multipurpose room that could be used for other meetings.

Ed stated that staff supports the notion in having that kind of room -- the disconnect was in terms of who pays it. One alternative to consider is the use of Workenders to do the labor and if it is the desire of this Board, they could put it as the number one priority for that group to accomplish it.

Commissioner McCown asked about the cost estimate of this project?

Chairman Smith said it didn't come before us as a Board.

Ed said it was between \$10-15,000. Ed said the materials were \$2,000.

Judge Ossola mentioned that glass interview rooms were proposed so that people could see what was happening and if there was someone was to get assaulted or something like that, appropriate action could be taken.

Judge Ossola mentioned that the Commissioners pay for the real estate and fixtures; the Courts pay for the furniture. This concerns a wall across the room 2/3 rd way through with a door and then building the interview rooms at one end.

Commissioner McCown felt they could find money to accomplish this.

Judge Ossola said that phone lines or computer stations for the District Attorney to use, would be paying for this out of his budget. He added that there should also be alarms with buttons placed in these room.

A motion was made by Commissioner McCown to direct the County Administrator to proceed with this endeavor using the Workenders as labor where possible and the minimal amount of materials of \$2 - 5,000 needed. Commissioner Martin seconded. Motion carried.

## **ENERGY IMPACT GRANTS**

Ed Green, Doug Toft Mayor of Rifle and Planner Mark Chain of Carbondale were present for the vote on prioritization for the Energy Impact Grant.

Doug Toft handed out additional information that did not get included in the packet -- the maps and drawings were omitted. He clarified that the Airport Road is what they were talking about. At this time Doug said they would like to see the Airport Road, a section under control by Rifle improved -- a section from Taughenbaugh to the Rifle Business Park was not included. He added that there is a lot of development proceeding to the Airport and the road is receiving a lot of traffic that is energy related. It seems to make a lot of sense in an Energy Impact Grant to consider this. The application is for 2875 feet of Airport Road to reconstruct. The Airport estimates an 8% growth; additionally Snyder Oil and Harry's Heavy Haulers use this road a great deal. He asked the Board to consider this project.

Mark Chain presented for Carbondale the Downtown Project saying that Carbondale wants to pretty up their downtown. The merchants are trying to survive and the project includes some pedestrian improvements, change out the street lights and add some parking. The Town will put in \$133,000 and will be asking for a Town-wide one mill levy of 1 mill in the November election and asked for the state for \$339,000. This is just the first phase as they plan to expand these projects out to Hwy. 133 and down north to the railroad.

The Vote was taken. Each entity has one vote; the county has three votes.

Fire District - 1st place; Rifle Project - 2nd place; and Carbondale - 3rd place.

Ed was directed to submit a written letter ranking these projects as a guideline to the Energy Impact Grant Cycle.

## **JAIL DISCUSSION**

### ***Jail Count***

Total in jail: 128. Main jail - 41; 30 Work Release; 4 Females; 4 - Home Detention; 4; 0 Day Reporting; 19 Workenders; 29 other jails.

Commissioner Martin gave the report.

## **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

### ***County Translator Site - Sweet Hill - Agreement with the Town of Carbondale***

Don presented the written agreement on the County Translator Site at Sweet Hill with the Town of Carbondale. He said that the written agreement executed by the Chief of Police - Town of Carbondale and has reviewed it. Bob and Don have a disagreement as to whether or not the Town of Carbondale can indemnify the County for claims -- he did provide an agreement not to sue.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Sweet Hill Agreement with the Town of Carbondale.

### ***Survey - CR 116 and CR 117 - Annexation to Glenwood Springs***

Don said that in the Joint Meeting with City Council it was agreed that the City of Glenwood Springs would annex this road. Jim Leuthueser has been working on this project. Certain portions of the road are by prescriptive use and others are by deeded right-of-way. The City Attorney Teresa Williams about a proper procedure and the City has agreed to go ahead and annex if we do a proper legal description and sign a petition for the roadway as it lies without doing any further effort on the prescriptive use right-of-ways.

Don said what he needed would be a motion to accomplish the survey, put a petition and annexation map together for the City and allow them to proceed on that basis. The cost of this survey for the subject road estimated at a maximum by Sam Phelps is \$4720. The roadway will include all those portions of Midland, that is CR 117 that are not currently in the city or surrounded by city property go through the intersection of CR 116 and CR 117 and at that point simple do a straight line survey through that intersection -- the center line of 116 and 117 not going up the hill at all -- 30 feet either side of that center line -- proceed down to 116 to the end of the paved surface and then go around the Airport on the current road to the end of the paved surface there. Originally it was not Don's intention to annex that last portion of roadway that went around the east side of the Airport however the City would like to include this as well. King said this used to be a county road all the way to the river. Therefore he is suggesting to annex that as well at this time. Don included that the County will annex in the prescriptive areas is to petition for 30 feet either side of the center line of the existing road in those areas where we have full title -- the legal description will include the entire deeded right-of-way.

Commissioner Martin pointed out there were several sections that more than 100 foot deeded area.

Don agreed this was correct.

Commissioner Martin mentioned that for historical purposes for the coke ovens this has been designated to be preserved and hopes the City will honor that for parking as well. He also questioned the pre-annexation agreement with Mr. Colodney's on CR 117 that the County has asked for improvements to that upper entrance/exit turn lane, etc. are they going to annex that road all the way up to that exit?

Don said no and the County will not petition for that. Don said he reviewed the minutes and discussed it with Teresa Williams City Attorney several weeks ago and there is no representation by the City that they will agree to annex that portion of the road. Don said he has asked Lee Leavenworth to sit down with Teresa Williams and discuss the area and the development at the intersection of CR 116 and CR 117. He has been told that the County Engineer went to the intersection and has agreed on certain improvement that need to be done. This is something that the City wants to discuss with the County Commissioners at tomorrow's meeting.

A motion was made by Commissioner McCown to authorize to direct Sam Phelps to proceed on this survey for CR 116 and CR 117. Commissioner Martin seconded. Motion carried.

### **COUNTY BUSINESS - EMPLOYEE OF THE MONTH**

Judy Davis Blakeslee was named the Employee of the Month for January.

#### ***RFRHA***

The STB will not decide until the new Board takes over.

#### ***Single Entry Point***

Commissioner elect Walt Stowe will be attending the meeting this week in Eagle - January 7 - 1:30 P.M. The minutes from the last meeting were presented.

#### ***Interagency Fire Meeting in Grand Junction - January 19th***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to appoint Marian Smith to remain on the Interagency Fire Board; carried.

Chairman Smith said she will give monthly reports; this works well for the County to get materials and stay informed.

### **DEPARTMENT HEADS - DISCUSSION OF STUDY - Four Mile Ranch**

Mark Bean said he received a letter from Lee Leavenworth in December and read the following into the record: "I am writing to follow up on a recent phone conversation which I requested and which you requested I write this letter. As you know the Four Mile Ranch Preliminary Plan has been approved by the Board of County Commissioners as indicated in the approved Preliminary Plan submittals. Sewer service will be provided by the City of Glenwood Springs pursuant to the pre-annexation agreement that was submitted by the preliminary plan application. That agreement, which constitutes an integral part of the preliminary plan as approved by the County requires the plans and specifications for sewer facilities to be approved by the City of Glenwood Springs. In the course of the review by the City and the approval of the construction plans a minor modification to the plans previously submitted to the County was approved by the City. Specifically the depth of the sewer line was raised from 24 feet to approximately 11 feet. The change provides substantial cost savings that prevents the main from being installed at such a significant depth. As a result 11 of the lots on the southwest corner of the subdivision will be need to be served by individual grinder pumps which will lift sewage into the sewer line. As indicated in the enclosed letter, 8 of those lots may need grinder pumps in any event anyhow though the house was located within the approved building envelope. In addition a minor modification in the trench fill standard was also approved and believe this minor change to be consistent with the County's preliminary plan approval because that plan approval was based upon City approval of the final construction drawings. You indicated that you felt you should raise the issue at the Board of County Commissioners. Please do so at the next available meeting and let me know your response."

Mark added in addition to that he thought they were going to see something in the request for the removal of the water tank.

Don said there has been discussions of that and have discussed with the City moving the water tank off the site. It was located at the highest point of elevation and will be buried somewhat in the current plan. Under the discussions with the City, the tank would be moved off site on the property owned by Glenwood Land and slightly higher in elevation and then enlarged to provide water service and storage capacity for

significant areas in South Glenwood Springs. The last discussions Lee had, the City had changed its mind again and will go forward with the water tank as located.

***Four Mile Ranch - Motion***

Don DeFord said he needed a motion to accept by stipulation the preliminary plan for Four Mile Ranch and subject to plat notes since the plan was approved by the City of Glenwood Springs.

Commissioner McCown so moved. Chairman Smith stepped down as Chair to second the motion; carried.

***County Road Issue - CR 116 - CR 117***

King said he met with Robin Milyard, Bob Szrot and Mark Bean to discuss the intersection at CR 116 and CR 117.

***Special Use Permit - Rippy***

Mark Bean presented the Resolutions for approval:

***Resolution and Special Use Permit - Dave Rippy***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Resolution and Special Use Permit application for David Rippy Construction; carried.

***Resolution - Zone District Commercial***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Resolution for a Zone District Text Amendment to the agricultural industrial zone district as identified in the Garfield County zoning Resolution of 1978 as amended to permit commercial barricades; carried.

***Resolution and Special Use Permit - Mackley - Resort***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with the approval of a Special Use Permit application for Arnold and Darleen Mackley; carried.

***Resolution and Special Use Permit - Jenson/Gonzales***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with the approval of a Special Use Permit application for Cuay Jensen and Rebekah Gonzales; carried.

***Resolution - Special Use Permit - Frazer***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with the approval of a Special Use Permit application for Frank Frazer; carried.

***Resolution - Special Use Permit - Griffin***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with the approval of a Special Use Permit application for Charles E. Griffin; carried.

***Resolution and Special Use Permit - Kneedler***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with the approval of a Special Use Permit application for Patrick and Jackie Kneedler; carried.

***Resolution - SUP - Rocky Mountain Natural Gas***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with a Special Use Permit application for Rocky Mountain Natural Gas Company; carried.

***Resolution - SUP - Larsh - Amendment - Clarify Language***

John Barbee explained that the legal needed to be redone to clarify the language.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with the approval of a Special Use Permit application for Edward B. Larsh; carried.

***Request - Homeowners - Cedar Hills - Amend SIA - Naugle - Resolution***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with a zone map amendment for Harry and Rhonda Naugle; carried.

**EMERGENCY MANAGEMENT**

***Ambulance Licenses***

Guy said all the Ambulance Licenses were Certified except Premier out of Grand Junction. Guy said that all were inspected and met the criteria.

Commissioner McCown made a motion to approve the following Ambulance Licenses:- 2-1054 - Carbondale & Rural Fire Protection District; Tri County Ambulance Service; Town of Silt Volunteer Ambulance; City of Glenwood Department of Emergency Services; Rifle Fire Protection District; New Castle Ambulance Service, Inc. and Grand Valley Fire Protection District. Commissioner Martin seconded. Motion carried.

***Executive Session - Personnel Issues***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session to discuss personnel Issues with Guy Meyer; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

***Executive Session - RFRHA - Surface Transportation Board***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session to discuss RFRHA and STB; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

**PUBLIC MEETING: AMENDED PLAT - LOTS 9 - 12, 14 - 20; 23 - 25; PEACH VALLEY ORCHARD, SIMON SUBDIVISION, LOT 4, LOCATED NORTH OF SILT, CR 250.  
APPLICANT: SONIA L. SIMON**

Mark Bean, Don DeFord and David Hicks were present.

Mark Bean submitted the request from Sonia Simon to do an amended Plat for two pieces of property, adjacent to each other. She formerly requested and did receive approval to go to what is Exhibit D for an exemption on a 40 acre tract. It was part of this request -- the lots 1,2,3, and 4 were approved at that time. The interest here is twofold. The primary interest is to try and create a method by which they would like to amend some adjoining lots that are part of the Peach Valley Estates which is part of the first Exhibit A. He drew attention of the Board to the darker lined areas showing the Simon ownership which is basically lots 9 through 12, 14 through 20 and 23, 24, and 25. These lots exist and this is another one of our -- a 1909 plat - - technically 10 acre tracts. Included within that plat he noted that there are what appears to be easements for access in and out of the properties themselves. The Board's regulations state the following: "An amendment may be made to a recorded plat if such an amendment does not increase the number of subdivision lots or dwelling units that result in the major relocation of a road or add roads." Mark continued by saying this application does not increase the number of lots -- there is no argument in terms of that issue. The proposal does relocate some of the roads and referenced Exhibit C as what is being proposed here. These roads are at best a little unusual. What they are trying to do here is create minimal accesses onto the county road, but there is a change in the configuration and part of the request here is to try and merge the larger portions of the exemption plat to create a larger piece of property which is this -- lot 29 that would remain as an agricultural area and then the remaining lots would be sold off. The lots to be sold off average between 2.4 up to 4 acres in size. Staff has expressed concern about these types of amendments before. This is the same issue here. These are not subject to any kind of review by any review agencies and there has not been any kind of a formal review by any review agencies. We don't know whether these lots work as far as individual sewage disposal systems or other constraints of that sort. All those issues would be normally a part of the preliminary review for a subdivision if that were to be submitted that way. This is staff's suggestion -- that this go to preliminary plan for amendment if this is what they want to do to in order to accomplish these smaller lots. Mark also noted for the record as these lots exist today they may sell them and the county would be obligated to issue building permits but only as the 10 acre lots as they are presently configured.

Commissioner McCown questioned Exhibit C and Exhibit A as to the configuration of roads and lots. How are these roads going to interconnect to those particular lots as numbered?

David Hicks said the lots would be reconfigured so they're going to move and put 10 of them into that 40 acres on Exhibit A.

Commissioner McCown clarified then that the lots would be renumbered.

Mark said on Exhibit C there is lots 14 through 20 and then 23, 24, and 25 that are included here, but what is confusing is we are combining here an exempt lot which is subject to an exemption which technically would have been in lots A, B, C and D for sake of discussion into an amendment here that's going to be essentially an amendment to the Peach Valley Orchard Plat itself which has different lot numbering and configuration. The same number of lots would be kept however. Mark continued by saying if we get to an amended plat this gets to another issue -- how do we define that -- this is the question. Another option and another way of dealing with this is to have them submit the plat for the exemption; and then propose an amended plat that would merge the larger portion of the exemption lot with the proposed amendment to the Orchard Lots so that there is no separate lot configuration that's tied to the Peach Valley Orchard -- there is a lot 1, 2, 3, and 4 in Peach Valley Orchards.

Don mentioned the larger option is to submit a preliminary plan for the entire parcel.

Commissioner McCown said from a point of clarity, he would like to see this.

David Hicks said he needed to give the Commissioners the constraints as to why he didn't see it as an option: 1) He has a contract to purchase the property contingent upon the results of this hearing today. 2) He has already asked the owner if they will extend his contract to allow a full subdivision review and the answer is no, as they've got two or three other back-up offers at this point and time. 3) His options are -- if the Board tells him to go away and get a full subdivision review, this option is gone. He can't bring it back. 4) His only other option is to develop it as it sets. David said his goal was to come up with a way where he could have some additional ranch ground -- he has ranch ground in Carbondale and would like to run a few more cows and can't afford to buy farm ground. But this is one way he can try and do it. So he's running into time constraints to do this and suggested that the concerns for roads, septic, etc. he can deal with those. He said he fully expects to have to put in roads equivalent to county specs -- this is no problem. If this can be done with contingencies that the roads meet county specs, sewage disposal is done normally -- he put in the packet this second scenario the Board discussed -- Exhibits D, E and F are how he would proceed if we did just an amendment to the Peach Valley Orchard which is Exhibit D -- that would be reconfiguring the lot lines just within Peach Valley Orchard. Exhibit E then shows the two subdivisions side by side; and Exhibit F -- he would then come back and ask for the lot line that separates the large parcel of both to be moved to create the southern boundary of lot 9 as shown on Exhibit F. So it's a three step process as opposed to trying to put it into a singular amended plan. Unfortunately that's the time constraints that he has.

Chairman Smith commented this is really confusing.

Commissioner McCown mentioned this is the problem he is having -- it is all very confusing.

Chairman Smith mentioned the other problem is having no review by the affected parties that might be impacted as they were not notified.

David Hicks said it is an existing subdivision. They bought their ground knowing it was a subdivision.

Mark mentioned people may be cut off as far as their access too on lots 1 through 8 -- Exhibit A.

David said lots 1 through 8 have county roads around the perimeter north, east and west. David said all the interior roads were vacated; he said he believed it was in the 50's but the county vacated those roads.

Mark inquired as to the interior lots not having access.

David said there are no longer county right-of-ways. At the point and time they formalized and improved the roads, they kept the easements on all the exterior and vacated the interior right-of-ways.

Commissioner McCown asked then if the line on Exhibit A going to lot 25 going down to 30 is a vacated right-of-way?

Mark said CR 250 is the line between what is essentially lots 8 and 9, 7 and 10, 6 and 11, 5 and 12.

David said that this doesn't even go through. It goes north right at the edge of 4 and 5 and goes up to the north right at the edge of 4 and 5 and goes up to the north and comes back down on the west side. So you have all of those interior roads that were dedicated.

Chairman Smith felt these were all issues that she thought anyone would have to deal with.

Commissioner McCown said even if it were developed as it sets, he sees some access problems. How do you get to lot 6?

David said lot 6 has current access from CR 250.

Mark said lots 17, 16, 15, 14, 18, 19 -- if those roads have actually been vacated....

Commissioner McCown inquired as to how to get to lot 6.

Mark said that's CR 250 adjacent to it.

David said there is a driveway -- their access point comes off of the county road to the east of lot 5.

Commissioner McCown mentioned on the other map -- Exhibit B is shows CR 250 above lots 1,2,3, and 4.

David disagreed -- lots 1,2,3, and 4 of the new Simon Subdivision Exemption which is the 40 acres that's blocked out. The jog up is around 4 - 5 and goes north clear across all those lots 1,2,3, and 4. This is all county road and then it comes down west side of 1, 8, 9 and 17. It gets to lot 6 by a current access off of the county road.

Commissioner McCown said in the existing Peach Valley Orchard Exhibit A - he doesn't see an easement going through there.

Mark called attention to the 25 at the top and the 30 at the bottom -- this is a double line which is usually indicative of an easement per access but apparently they've been abandoned.

David said part of the process was that all the land owners that own lots in there agreed. He is not sure they vacated the roads in lots 1 through 8; he believes in the document he has is only dealing with interior lots of the Simon property.

Don mentioned that the fact that the public roads were vacated does not mean that they were private easements that might not exist. He added if those private easements exist he wasn't sure how you would get rid of those by doing a re-platting and everything.

David said there is no private easements on this property. They have done a full survey on this property and there are no private easements on this property.

Don asked if any adjoining properties benefit from those easements in terms of access?

David said if you go between 5, 6, 11, and 12 there are dual roads that come in -- one on the south side of Simon's property line and one on the north side for 5 and 6. That's currently how the driveways go in there right now.

Chairman Smith said back to Mark's report, the cleanest way to do this with the lease problems for the people buying lots in the future would be doing a ....

Mark said the bottom line is there but no protection is afforded to anybody buying the lots through an amended plat process. There are no standards that have to be built to unless the Commissioners chose to actually implement a required standard here. Where it is confusing to all of us is if you go to Exhibit C, for the sake of discussion, CR 250 provides access to lots 9, 10, 11 and 12 by what appears to be a turn around down through that area to provide access to those lots and then all the other lots would have direct access. It is one of these issues that when you get into these old subdivisions you come back with the nightmares that haunt us and some of our recently older amended plats for Antler's Orchard have come back to bite us too because of these access easements and issues that are or are not there. They are really clarified in going through an amended plat process when you start moving lots and lines around particular with the roads.

Chairman Smith inquired as to public input.

Greg Hall with Leavenworth and Tester said he was not here to speak on the matter, but does represent the Estate of Simon and came to observe the proceedings.

David Hicks said he was trying to cluster what he thinks is more in line with current county philosophies as far densities and development. He is trying to preserve the ranch land and plans on using it for agricultural interest. In a perfect world he would have time to go through a full subdivision review but with time constraints he can't.

Chairman Smith commented to David that if he didn't purchase the property and someone else did with the same kind of concept, the Board would require the same things so therefore she didn't figure why that condition would hinder him anymore than anyone else.

David said the most likely scenario is it would be developed as 10 acre parcels. How has Antler's Orchard been developed - it is 10 acre parcels. The most likely scenario is he or someone is going to come in with absolutely nothing, sell those 10 acres off, mow the grass and say that's your driveway -- get to it however you want. He is offering to bring stuff to county specifications and plan on doing it correctly as he's done other subdivisions. It may well be that someone will come in and offer the Board the same type of thing and do the 6 - 9 months. He can't and is offering a way to get to that but it has to be an abbreviated process. Commissioner McCown asked if David was trying to preserve the 120 acres, lot 29 as pasture land. And would David put a conservation easement on that saying that you wouldn't come back in 5 years and ask to subdivide.



David said yes, and he added he guaranteed he won't come back in 5 years or 4 years or whatever. Commissioner McCown reminded David that this would lock the property into agricultural. As long as we can keep access, he didn't have any problem.

Mark said the limitations or qualification could be put on and it would be up to the Board.

Chairman Smith asked Don if the Commissioners could put limitations on this.

Don said his hesitancy is that the regulations do not address this. It says the proposed amendment will be brought to the Commissioners for a decision to either approve it or reject it. With that said, he added that he supposed there are ways to put conditions on it. The Commissioners have to keep in mind that because we are dealing with an older subdivision it has none of the requirements that current subdivisions have concerning not just roads but water, wastewater and all the newer issues you deal with. The issues that are of concern to you in terms of an amendment are supposed to be dealt with in the request to amend and the narrative.

Commissioner Martin wanted access laid out, agreed to with some kind of access available and somehow laid out. He'd like to also see another 10 to 15 years requested for a conservation easement and put that in the recommendations as well. The whole idea of the "Right to Farm" preserving agricultural needs to come out -- that's what Commissioner McCown is looking at too.

Mark said that the plus side of what David's proposing or Ms. Simon is proposing does accomplish some of what we'd like to see accomplished. He certainly would acknowledge that's there but what we don't have is a defined standard to deal with as to what do these roadways have to be, what type of access in and out is going to occur.

Commissioner Martin said that David Hicks said he would built the roads that he needs to county specifications and currently in that subdivision area he knows what they are and he's made that recommendation that there are going to be that big.

Don said of the conservation easements, it normally a fairly long duration of 30 to 40 years typical and the Board has to find an entity that will accept that conservation easement. Aspen Valley Land Trust is an example that does that and they have to be contacted, their agreement has to be obtained, that type of thing. Commissioner McCown said he wasn't that particular that it go into a conservation easement as long as there is a non-developmental clause for 20 years. This way the land would clearly be marked for agricultural development.

Commissioner Martin mentioned the City of Glenwood Springs took on a conservation easement from Mr. Balcomb. They become the administrating agent where they won't allow development through clauses that will prohibit permit processing. It could be the same with Garfield County.

Don said this Board has never said they wanted to do that.

Commissioner McCown says he agrees with clustering. The 10 acre subdivisions are the worst things that have happened to the county. You have one horse and a bunch of weeds. But he would like to ensure that whether it's David's intent or not or the next owner's intent -- to ensure that by doing this clustering, we are in fact preserving that agricultural land so that once you get these lots developed you don't sell the 120 acres and then we see somebody else sitting here before us wanting a full blown subdivision. This is his only concern with this whole thing. So if this is your true intent to preserve this let's get it down in writing whether it's a just a non-developmental clause that'd deed-restricted for the next 20 years.

Commissioner Martin wanted to be sure and identify the roads, the specifications which the county has now that David considers he can live up to, also identify the other needs in writing.

Mark added for the sake of clarification on the numbering issue to go this direction -- there will be two plats submitted. One being the exemption plat for lots 1, 2, and 3 of the exemption and that the amendment to the Peach Valley Orchard's Plat be strictly for all that's added from the exempt lot to make the large lot and then include the smaller lots.

David agreed.

Mark suggested that David come back with some proposed plats and as well as some proposed language for a conservation easement or find an entity -- Aspen Valley Land Trust or somebody like that who would be willing to accept the conservation easement.

Commissioner McCown suggested if David couldn't find an receptor for the land easement, then he could do a deed restricted, non-developmental agreement for 20 years. He suggested it would help if the Board could see a complete overview of this as well rather than little stacks of roads.

David showed a farm services plat.

The Commissioners suggested that he bring this back and no action would be taken at this time.

Mark said that David needs to submit a regular plat for the exemption and would include lots 1, 2, and 3 only and then an amended plat proposal for the Peach Valley Orchards lots affected in the merged portion of the large lot that would come out of the exemption -- incorporate it into the Peach Valley Orchard's plat. A date was not set for February 1, 1999 at 11:00 A.M.

**PUBLIC HEARING: LIQUOR LICENSE CARBONDALE COMMUNITY SCHOOL SPECIAL EVENT: JANUARY 29, 1999. 5:00 P.M. UNTIL 12:00 A.M.**

Mildred Alsdorf, Lara Brown were present. Mildred showed the legal notice and commented that the legal notice shows January 22 and they changed it to January 29. All the papers were in order.

Mildred explained the purpose for the Special Event Permit and the School planned to give the alcohol away free of charge.

Lara Brown provided the notice as it was posted on the door of the Community School and explained how the liquor would be separated from the other beverages being provided for the event.

Chairman Smith asked if the change of dates was a conflict.

Mildred stated it was not.

Laura said this was a Community Barn Dance where the entire community would be invited. The school opened in 1998 at this site. This is used as a community resource and will be opening the building for community organizations. This is an opportunity for the public to tour the building and see the potential use.

Mildred mentioned the alcohol had to stay in the specific area.

Laura said they set aside an area separated for the alcohol. Servers are volunteers and will be over age 21 and ID's will be required.

Commissioner Martin suggested that the Sheriff be notified.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the liquor license for the Carbondale Community School Special Event to be held January 29, 1999 from 5:00 P.M. until midnight; carried.

**PUBLIC HEARING: APPLICATION TO GRANT A ZONE MAP AMENDMENT TO THE GARFIELD COUNTY ZONING RESOLUTION, ZONE MAP OF 1978, AS AMENDED, FOR THE PROPERTY LOCATED SOUTH OF THE I-70 INTERCHANGE, RULISON, CO. SAID ZONE TEXT AMENDMENT WOULD ALLOW A ZONE MAP AMENDMENT FROM R/L RESOURCE LANDS TO C/L COMMERCIAL LIMITED. APPLICANT: HARRY AND RHONDA NAUGLE**

John Barbee, Don DeFord, Harry Naugle and Attorney John Savage were present.

Don determined that adequate and proper notification were in order and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

John Barbee presented the following Exhibits: Exhibit A - Returned receipts; Exhibit B - Notification and Exhibit C - Staff Report.

Chairman Smith submitted Exhibit A - C into the record.

John said this is a zone map amendment on a 6.89 tract of land located in Rifle north of I-70 at the Rulison interchange.

The site is accessed via Rulison Road and will be used to operate an agricultural support business namely a feed and general store.

Recommendation:

Staff recommends APPROVAL with the following condition 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.

Connie Earhardt - what uses are permitted under the proposed change? She asked if it could be a mobile home?

John Barbee mentioned that would be a new Public Hearing.

Section - 3.07.03 was pointed out as to the uses.

A copy of the proposed C/L uses were reviewed by the Board.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the application to grant a zone map amendment to the Zoning Resolution Zone Map of 1978 to allow a zone map amendment from R/L to C/L Commercial Limited with the recommendation made by staff; carried.

**CONTINUED PUBLIC HEARING: REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT TO ALLOW AN ACCESSORY DWELLING UNIT ON THE FOLLOWING DESCRIBED PROPERTY: CR 312, NEW CASTLE, CO, APPROXIMATELY 6 MILES SOUTH OF I-70 ON GARFIELD CREEK. SAID SPECIAL USE PERMIT WILL ALLOW THE APPLICANT TO CONSTRUCT A 1,419 SQUARE FOOT, DETACHED, ACCESSORY DWELLING. APPLICANT: ROBERT H. RAGEL**

Don DeFord and John Barbee stated that the applicant Robert Ragel contacted him and in that area there is a deed restriction. The daughter was trying to restrict this and Mr. Hilton did not find this agreeable. This has been formally withdrawn.

Don remarked that there is a letter that is to be written as well that will go into the file.

***Potential Encroachment - Work Release Center***

The City has an Ordinance concerning Encroachments. The Work Release Center is a current encroachment. Don was not sure if the encroachments have been renewed.

Don said we would be grandfathered in that requires a license fee and a \$2 million dollar insurance.

Directions given to Don to check into this for the Work Release Center.

Don suggested the Board determine if the Sheriff has maintained these encroachments.

**JAIL TOUR**

The Board of County Commissioners adjourned for the tour of the Jail.

**ROAD AND BRIDGE DISCUSSION**

King Lloyd and Mark Bean were present.

King said the overweight/oversized reports to the Board would be late and he would submit the annual report for their review as well.

***Pipelines***

King gave an update for Mid America Pipeline, Veneco on Roan Creek and Marilex on Dry Fork.

***Motor Grader and Citizens - CR 214***

King reported on an accident that involved no issuance of tickets were issued. Small vehicle behind the motor grader. Damage has not been reported.

***State of Colorado - Experiment of Highway Users Process***

King said Garfield County is being used as an experiment. The State has had some problems with their computer programs.

***Executive Session - Personnel Issue***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of an Executive Session; carried.

**JAIL DISCUSSION - REPORTS ON VARIOUS SITES**

Dale Hancock, Sam Skramstad, Don Vanderhoof, Mary Steinbrecker, Dave Sturges, Al Maggard and Don DeFord were present.

Ed provided an overhead of the operations cost that Allen completed. The analysis that Tom Dalessandri and Allen Sartin did were fairly close. The methodology included that the labor estimates were valid and option 2 was based on some of the labor costs associated with the holding facility with clerical support.

Other assumptions included that the 1999 budget was used in the analysis and the new Courthouse would be next to the jail. Option 1 and Option 2 were discussed. There is an increase in labor cost with the big difference in administrative staff. There is a \$320,000 prisoner board and transport right now. It was also

shown that the cost comparison with Rifle and Glenwood in illustration 1.1 - 1.2 and 3.4 for Rifle not included in the ownership of the Courthouse -- the general difference is about \$2 million and operating costs included \$3 million difference. The site difference between the two over a 5 year period is \$2 million.

Allen explained that the \$3 million was for the infrastructure for water, sewer.

Ed said they took the \$2.795 cost estimate from URS Griener and subtracted the adjustments that David Hawker and he discussed in a couple of meetings and it worked out to \$3.425.

Commissioner McCown mentioned that URS Greiner included \$841,236 for an additional District Court Facility in the 3.425.

Tom Dalessandri said the key here is that the study was done based upon a second facility and regardless of where the jail is built -- Rifle or the MOC -- the product of design and how it we want to run it; how much direct versus indirect supervision -- it ultimately gets designed into that programming and will determine how much that jail facility proper requires the staffing.

Tom said the pod type of a facility is the easily to manage. Tom also mentioned that it was physically possible to put a jail on the MOC site -- leaving the repair shop in place, the digester, and phasing it in. Tom said it was no secret that he favors the MOC site statistically for their operation. He said he wanted to dispel the question and wanted to know for certainty if it was possible to built on that site. He submitted a letter to Reilly Johnson Architecture who's been with the County several years in the process. Tom sent him a rough draft provided by the City of Glenwood Springs on the plot of land on the MOC and asked them to tell him if it is something they can work with. Bob Johnson provided a "crayola versus" at no cost to the County as to what could be placed at that site. Tom mentioned it was conceptual and based on programming needs.

The site plans were submitted to the Board.

Sam Skramstad mentioned that the City expects to have Phase II report by January 15, 1999.

Bill Grant from Rifle spoke on the construction and site mentioning the differences of building types in Glenwood Springs versus Rifle.

Commissioner Martin mentioned that he thinks the MOC site has possibilities and is workable. The City of Glenwood Springs will send up to \$200,000 in site preparation costs.

Dave Sturges - 1310 Riverview Drive - Glenwood Springs - asked what information do the Commissioners need to base this decision on. Dave also asked the Commissioners what is the time frame for the jail site; and 2) what is the maximum bed target number and will this drive a lot of the cost in consideration? Are we concerned about limiting due to expansion possibilities?

Cost of potential expansion? He added that the decision of the jail has been 18 years in the making and construction is not the driving cost. He suggested that the Board also consider if they will continue to build jails - due to drug and alcohol problems. Clearly well over the majority of offenders housed in the County Jail are drug and alcohol related use. He felt the Commissioners should say that this is the limit and we will not go over this number. Build it and they will come. A policy issue here and encouraged the Board to figure out - is it better for the taxpayers to keep building onto these jails that will not benefit or require a hard cells. He asked the Board to discuss, examine and look at these issues seriously.

Commissioner McCown said that in today's count there were 127 inmates housed in the jail. How does the Board of County Commissioners say no when the Courts do not say no?

Dave Sturges responded saying that he believes that judges are looking for cost effective means for illegal behavior. This is not the major restriction. The cost and ineffectiveness areas are of concern of the taxpayers. The State Legislature may say "no more jails" -- and this puts pressure on everyone then. He just wants the Commissioners to make a cost and effective use of public dollars. Courts are not the major stumbling blocks. He included that families being able to get to the jail location for visits and the fact that counseling is located in Glenwood were among some of the things the Commissioners should consider.

Sam Skramstad once again committed to make this MOC site work for both the City and the County.

Bill Grant - Rifle mentioned the Commissioners should consider the increase of traffic into Glenwood Springs

Tom Dalessandri said the jail does not generate a lot of traffic.

Commissioner McCown said the County can purchase 40 acres at a reasonable price and have room to build much needed Road and Bridge facilities, expansion for County operations now housed at the Taughenbaugh building; therefore he favors the Rifle site. He would prefer to same the UPL property for courthouse expansion. He added that he can't understand how it's financial smart to trade properties -- MOC and UPL and to tear down buildings to accommodate a jail.

Chairman Smith agreed with Larry and added that she knows how hard it was to find a site for the Municipal Operations Center years ago and finds it hard to tear down those buildings. It would 10 - 20 years before the site would be ready for any type of jail expansion.

Commissioner Martin mentioned the buildings the City was planning to tear down were tin buildings and would be easy to tear down.

Commissioner Martin stated that the Board needs to make a decision. Would like to see the Phase II report prior to making that decision however.

January 11 at 10:30 A.M. is the decision date and time.

The Staff was directed for next Monday to contact the CoGen Plant regarding the cost savings by potentially using the waste heat.

***Adjourn***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn; carried.

Attest:

Chairman of the Board

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**JANUARY 11, 1999**  
**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 11, 1999 with Chairman Marian Smith and Commissioners Larry McCown, John Martin and Commissioner Elect Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**COUNTY ADMINISTRATOR**

Mildred Alsdorf's Birthday was celebrated and she was given a basket of breakfast rolls and goodies.

***Personnel Director - Phyllis Lundy***

Ed discussed the potential of a contract basis being worked out with Phyllis Lundy for a specific number of hours ranging from 150 to 185 hours on a monthly basis.

Phyllis stated that she agreed the contract would work well and reassured the Commissioners that this contract would be her top priority. She also said she would give the County as many hours per week as they wanted and with her business she would hire a part-time administrative assistant to handle the day to day business. She also has a trainer working for her on a contract basis and they would be willing to take nearly all of the training. She included that she would be able to delegate that portion of her business.

Ed mentioned she had been given a large list of items that needed to be done as priorities.

Chairman Smith asked Phyllis if someone came forward wanting a full-time position for the Personnel Director, would she feel booted out.

Phyllis said she would not and that person may well be her.

Commissioner McCown asked if she could apply a specific number of dollars to her budget and balance those with her needs, the County's needs, and keep within that frame.

Ed mentioned eventually this would possibly be dropped down to 100 hours per month.

Commissioner McCown mentioned he didn't have a problem and felt we needed to continue looking for a full-time personnel director.

Commissioner McCown said he didn't have a problem with this concept but felt the County still needed to look for some individual to fill that position but the needs are immediate enough that we need to work out the contract problems and proceed.

Ed said Phyllis will meet with all the department heads this week and if this concept is agreeable with the Commissioners, then he would prepare a contract. Ed stated he would meet with all the Commissioners and Department Heads/Elected Officials this week and if a decision is made to go ahead with a contract, then he would present it at the January 18 meeting.

***Personnel Meeting - January 12, 1999***

Mildred mentioned the Personnel Meeting to be held on Tuesday, January 12 at 1:00 p.m. and said she thought it would be good for Phyllis to attend.

Everyone agreed.

***District Attorney Mac Myers - First Appearance Center***

Mac Myers presented briefly the following:

Newspaper reference with interest in the First Appearance Center and his relationship with the Board of Commissioners. Mac said he supports the First Appearance Center but there is no direct involvement from his department. Judge Ossola has been assisting the District Attorney in getting this accomplished.

Commissioner Martin mentioned he had spoken to Judge Ossola who took responsibility for requesting the First Appearance Center. Commissioner Martin clarified that he had inquired as to who would be furnishing the space and Judge Ossola was the one responsible for that portion of funding.

Mac personally thanked Chairman Smith for everything she had done for him and his department since he assumed the role of District Attorney two years ago.

#### ***Weed and Pest Director - Selection***

Steve Anthony will be interviewed for the full-time position.

#### ***Upcoming Meeting - Fred Wall - Superintendent of Schools***

Ed mentioned Fred Wall wants to meet with the Board to discuss the establishment of fees in lieu of land. Chairman Smith mentioned that the meeting needs to be with the Board of Commissioners. Fred had been given a task list and no further contact has been made.

Commissioner McCown mentioned one of those tasks given included Fred meeting with the other school districts to see what the majority wanted; then come in with a unified agreement.

#### ***KBS System - Accounting***

Ed provided an update on the KBS System mentioning that a conference call was scheduled and an anticipated date of the 19th was projected. The ECS Contract for the Treasurer and Assessor is still on target for the end of the month.

#### ***Honeywell - Motor Control - Repairs***

Ed reported that the meeting with Honeywell disclosed the fact that the motor control was still under warranty and repairs are underway. There are a few filters on that unit that may cost up to \$1000 - \$2000 that the County will be responsible to replace.

#### ***Motor Pool Policies***

Ed said these have been finalized and distributed to the department heads/elected officials for their comments; make appropriate changes; then to the Board of Commissioners for review and consideration.

#### ***Glenwood Springs - Grade School - Barrier - Road and Bridge Shop***

Ed and Mark met with Barbara Thompson the Vice Principal of the Elementary School to discuss their concerns with respect to the Road and Bridge Facility. The biggest problem is the need for a visual barrier. There is presently a 4' chain link fence separating these properties but the school has spent considerable amount of time and money improving the landscape of their area and would like a visual barrier. There are also a lot of youngsters that end up going over the top of the fence to play in the sand pile on the County's property. What they would like is the County to construct a 6' cedar fence; put it on our side behind the chain link. Ed said it was 330' feet for a cost of \$2600 estimated. Ed said the school would be willing to go 1/2 on the materials and then the County would have the Weekenders do the labor.

Additionally, Ed said they expressed some concerns about boundary line along the river trail. There is an opening and the kids go out on the trail. The more they talked, they both agreed that the boundary fence is the priority.

Chairman Smith suggested that Ed advise the school that this is the City's trail and they're responsible for this. A gate to control this opening was suggested.

Ed said the other concern is the back-up warning signals on the new vehicles. This is a continuous noise and the school asked if it could be disabled. Ed suggested the 6' fence might help as the back-up warning signals were mandated by law.

#### ***Emergency Management Team***

Ed reported that last week during the strategic sessions, a discussion was held on the evacuation procedures. They came up with a new process that Guy will prepare and have it at next meeting.

#### ***Recovery Plans***

The recovery plans were also discussed and several were involved in that process. This week more will be addressed. A back-up located in an off-site location for documents was the most important issue.

#### ***Financial Management Policies***

Ed and Allen developed financial management policies and procedures. The draft was modeled after the Eagle Accounting System and this is being circulated for evaluation as well.

#### ***Document Routing System***

Ed said Barbara and he in response to some concerns by the department heads are developing a document routing system to keep track of documents as they wander through the organization and make sure they are handled in a timely fashion.

#### ***Weed and Pest Director - Community Correction's Workenders Grant - Executive Session***

A motion was made by Commissioner McCown to go into an Executive Session to discuss the Weed and Pest Director position. Commissioner Martin seconded; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of Executive Session.

Decisions:

Commissioner Martin authorized the offering of the 50 percentile plus making it an even \$40,000 for the Pest and Weed Director - Steve Anthony; carried.

Workenders - Community Corrections

Commissioner Martin made a motion on the second cycle of the Workenders Program to authorize the Board to sign the application for the grant; carried.

#### ***Contract - Personnel Office Construction***

Ed presented the Contract for Phil Vaughan for \$15,832 to renovate the office space currently occupied by the Maintenance Department for Human Resources.

Commissioner McCown so moved to approve the Contract as above. Commissioner Martin seconded. Motion carried.

#### ***Colorado Counties Incorporated***

A decision was made to hold off of the appointments to the CCI Legislative and Steering Committees until the new board is sworn in and is holding the reorganizational sessions on January 12, 1999.

#### ***Club 20 Meeting***

Chairman Smith mentioned there would be a Club 20 meeting this Friday at the Courthouse in Glenwood Springs.

### **ANIMAL RESCUE AGREEMENT**

Cindy Crandall and Don DeFord were present.

Don said the \$25,000 grant towards the purchase of land and the construction of an animal shelter that would benefit the residents of Garfield County was not paid in the calendar year 1998 and therefore needed to be resubmitted.

Don did a recap for the benefit of the new Commissioner Walt Stowe. He said the Board authorized a \$75,000 agreement over the next three years. However, the Agreement for \$25,000 for 1998 had somehow slipped through the cracks and no funds were issued.

Don redrafted the agreement and changed the amount to a \$50,000 payment that includes the 1998 and 1999 and changed the agreement to read from 3 years to 2 years.

Cindy redrafted the letter to explain her services.

Don requested the Chair be authorized to sign the contract with Animal Rescue, Inc. for \$50,000 for the calendar year 1999 with the authority to renew subject to appropriation for the year 2000 substances as Don DeFord just explained.

Commissioner Martin so moved and seconded by Commissioner McCown; carried.

### **JAIL DISCUSSION**

Sheriff Tom Dalessandri, Dale Hancock and Al Maggard were present.

#### ***Jail Count:***

Total in Jail: 132. 40 main jail; 30 Work Release; 3 females; 4 Home Detention; no Day Reporting; 25 Workenders; 1 State Hospital; 29 other jails 9 of which are DOC and 1 here for a total of 10 DOC.

Commissioner Martin clarified that the opening of jail beds that the public read about are DOC beds. The County jail beds are not readily available.



Chairman Smith said she questioned if they had space, why is there 10 DOC being housed in our County system?

Tom said this is a proverbial problem.

#### ***24 Hour DETOX Hold - Jail Facility Remodel***

Tom mentioned the construction for a mental health/detox holding facility where the Sheriff's offices were formerly housed will soon be underway. The walls are being torn down and the bid for technical work will need to be discussed.

The Commissioners asked for an update.

Tom mentioned bids would be forthcoming.

The Sheriff's new offices housed within the Courthouse are going well and everyone has been properly notified.

#### ***Correspondence - Communication Authority - Rent Discussion***

Commissioner McCown sits on this Board.

As Commissioners they have never agreed to charge rent. The City of Rifle is donating their space and Commissioner McCown wasn't in favor of this revenue. He would like to see for 1999 budget year that this not be put in force. If processed for 2000 then he wanted some notice that he could take to the Authority Board. They are still on a five year plan to get the centers in Glenwood Springs and Rifle combined.

#### ***Workenders***

Dale Hancock mentioned that he wants to have interviews for a part-time person to cut back the number of program participants that one supervisor has to oversee.

#### ***Communications - Reudi Water - Watershed Meeting***

Walt went to Basalt for the meeting and found it was here in the Courthouse.

Chairman Smith mentioned this was not the regular meeting, it was a special meeting.

Bob Szrot will be giving a report at the next regular Commissioners' meeting.

#### **RFRHA**

John Barbee and Walt Brown attended the meeting. Commissioner Martin was attending another meeting in Idaho Springs on the I-70 Corridor.

Commissioner Martin reported that John Barbee raised objections on the railroad proposal as it was going outside the County's Comprehensive Plan. This alignment involves Catherine's Store bridge to Hwy. 82, following Hwy. 82 through El Jebel and Basalt. He repeated that objections were raised as it goes outside the County's Comprehensive Plan and also the scope presented by RFRHA committee than came in front of the P & Z Board on the alignment and the use of the corridor.

#### ***Betty Letson - Grand Valley Cemetery District - Board Appointment***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to re-appoint Betty Letson to the Grand Valley Cemetery District Board; carried.

#### **COUNTY BUSINESS - BUILDING & PLANNING REPORT**

Mark Bean submitted the year end report that included the building permits and new building activity. He mentioned that the activity in 1998 passed 431 permits as compared to the high report from 1996 of 418 permits. He added that the actual single family residential permits were lower than in 1996 but there is more activity in the commercials activity. Eagle County was less than 1997. Mark added that the valuations are higher but a lot is contributed to the commercial.

The revenue projections are higher as well. Parachute and New Castle are the most active area.

Rifle and Silt out did Carbondale and Glenwood Springs. Formerly it was in Battlement Mesa. Now Silt, Rifle and New Castle have gone ahead in total building permits.

#### ***Code Enforcement***

Steve Hackett's violation report was submitted and reviewed.

#### ***Draft Letter - RFRHA***

Chairman Smith mentioned her name was as the author on the alignment.

This is a Railroad Issue and a Pitkin County Issue. The overall expense of the realignment everyone in attendance was asked to respond.

### ***Court Case - Gerbaz versus Woody Creek Crossing***

Don reported that Gerbaz won the case.  
Commissioner Martin felt that Pitkin County should solve their own problem.  
The Board made a decision not to make a comment.

### ***Amending Resolution - Harry and Rhonda Nagle's legal description.***

Mark submitted an amended Resolution - Amending  
Commissioner Martin moved to authorize the Chair to sign the amended Resolution for Harry and Rhonda Nagle. Commissioner McCown seconded; motion carried.

### ***Legals on Pre-Annexation - Rifle***

Don has said he asked Sam Phelps to review the legals.  
Bill Grant, Rifle City Councilman responded on the annexation agreement and legals.

### ***Contract Extension - Medical Services for the Jail***

Don mentioned the contract will extend the present agreement. The extension is short, raises the payment \$2,000 a year. Don mentioned otherwise the agreement was in order.  
This increases the services for 24 hours by \$20,000 per month. In 1998 the amount was \$160,000 -- in 1999 is increased to \$255,000.  
Allen mentioned that the 1998 final review was \$160,000 and the 1999 budget included the medical services contract increase of about \$100,000 a year.  
Commissioner Martin moved to authorize the Chair to sign the contract. Commissioner McCown seconded. Motion carried.

### ***State Department of Air Quality Control - Department of Health***

Mary Meisner and Commissioner Martin attended. He said Mary will report during the Board of Health regular agenda time on January 18.  
Commissioner Martin mentioned some recommendations will be forthcoming.

### **DEPARTMENT HEADS - BID AWARD: TAUGHENBAUGH REMODEL**

Allen Sartin mentioned that the bids were due this week and this should have been eliminated from the agenda.

### ***Wire Transfer of Funds - Pass Through - Battlement Mesa Senior Project***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the transfer of \$1,444.00 in loan costs; carried.

### ***Emergency Management***

Guy reported on the diversions with the Vail Ski Champions - called "Vail 99".

### **JAIL DECISION**

Dale Hancock, Allen Sartin, Ed Green, Don DeFord and Sheriff Dalessandri were present.  
Chief of Police Terry Wilson, Marc Adler, Mayor Sam Skramstad, City Councilmen Don Vanderhoof, Greg Jueng, Mary Steinbrecker, Bob Zanella, Marc Adler, City Manager Mike Copp, Mayor of Rifle Bill Grant, John Scalzo, Marianne Virgilli, Bill Evans, Randy Vanderhurst, Margaret Long, Robin Milyard, Mark Gould, Gene Schilling, Marilee Rippey, Bill Lorah, Al Maggard, Dave Sturges and Jan Kaufman of the Jail Advisory Board were present.  
Sam Skramstad submitted the preliminary report on phase II from Wright Water Engineering - Craig Weiner, Chemical Specialist and representing the Firm addressed the report.  
Mr. Weiner mentioned he had been in this valley since 1995 and a few months ago employed by the City of Glenwood Springs to do a phase II investigation of the MOC site. Their phase II consisting of ground water monitoring wells, test pits and two other dry well sampling locations. Phase I had been previously done and dated 14 December where they found several potential recognized environmental conditions at the site.  
On environment conditions he said they were from existing and historic uses of the MOC site as well as some off-site spill release events near the railroad tracks opposite of 7th street.  
On Phase II he said they collected both soil and ground water samples and the results of the ground water sampling at 6 locations indicated that the ground water basically meets the national water quality control

guidelines with the exception of some metal analysis in one monitoring well no. 6. The results of the soil sampling analysis indicated that we had exceedants at four locations. Two test pits were analyzed at low lying surface drainage locations on the site and two dry wells that managed surface storm water at the site. He went on to fully explain that they saw a 6 ft. depth of trash material and a sampling indicated that there were some hydro petroleum that would exceed the OS Guidelines. However they are recommending no remediation at that sampling point basically because they would find petroleum carbons in the trash, burned trash and the concentration found was only a slight exceedant of the oil inspection guidelines. Test pit no. 2 had drainage swell that they believe historically has been used to manage storm water at the site. The level of hydro petroleum carbons at that level parallels what was found at test pit no. 1 and again they are not recommending any remediation at that location. Soil samples were obtained from dry well no. 2 - 3. These are the two locations they would recommend remediation.

Discussion was held with regard to this report.

Colorado Department of Health reviewed and consider disposal of material at a landfill similar to BFI on trash dumps.

Ed Green asked how many yards of material does he expect to need for remediation that exceeds the Department of Health's standards.

Craig Wiener said the quality of the soil -- they are not really able to reasonably estimate at this time. The age of the time frame that the wells have been on site as opposed to wells installed in 1936, having only 14 years is in their best interest or so they say this in their favor. He did comment that they would selectively excavate those locations containing the contaminated material and this is a two-fold benefit. They would limit the amount of material to haul to the landfill; and they can reuse the overburden clean materials eliminating the need for hauling in the amount needed to back fill.

The time line was restated to be June 1st and Sam Skramstad and Mike Copp assured the County they could meet that deadline for having an alternate location for the MOC facility.

Steve Pollack - HP Geo-technical presented his report that included an expected foundation on drilled caissons approximately 20 - 30 feet deep on the other site under consideration at the Rifle Site.

Ed commented that he had met with Co-Gen Energy and they indicated their building was built on caissons. However, the type of structure they built was many times heavier than a jail structure and it was a company policy to build with caissons because of the machinery.

Sam Skramstad said of the MOC site that the consultant indicated that a slap on grade would be preferable at this property. Given that facts and the bearing condition being a heavy structure that would need to be provided -- bearing depths are on the order of 10 to 12 feet on the average. The foundation would have to go down to the dense gravel alluvial. Whether this is provided with caissons or excavated piers.

Sam continued with a wrap up using the City's approach by saying they hope the County would take fiscal responsibility for the selection site. He thought the Rifle site is a good deal and show they were planning down the road for future County development. He said rather than spending \$1 to \$1.5 million annually of taxpayers money to make the Rifle jail site work, he would maintain that within five to ten years the County could take those funds and make the Rifle site work for the operations center and expansion of social services, etc. and benefit both ends of the County. In addition to the \$400 - \$500,000 annual requirement for the County in terms of running a holding facility for court and transporting back and forth, we have to consider the added costs to City of Glenwood and the Town of Carbondale plus the added time that the Sheriff's deputies are going to have to deal with in handling the east end of the County all the way up to the Rifle location. The strain and the efficiency of that just doesn't make sense. To spend \$1 - \$2 million and get nothing out of it more than a jail at a different location and put in an additional tax burden on the county citizens, was not fiscally responsible. To take these funds and develop an operation center in Rifle and developing those properties makes more sense to him. The other big objection voiced by the County is the problem with the digesters at the MOC site and when you look at this and looking at the diagram that the Sheriff did on the MOC site, it would work. The City of Glenwood Springs has talked to the Commissioners about vacating 7th street; if you move the Road and Bridge operations to Rifle there would be no need to keep the operations in Glenwood Springs and that site could be designed to facilitate this expansion and another configuration without tying it to the removal of this and would add just another ingredient to the future expansion when that does move 15 - 20 years from now. He summarized that a decision by the County and City on the MOC site would be a win win decision.

Randy Vanderhurst- Carbondale said that they had remained mostly as spectators in the ongoing jail battles between the City of Glenwood Springs and the County. However, the Town of Carbondale has some real concerns about moving the jail facility to Rifle. The time of transport for their officers; an additional 50

mile trip; the trouble they are having now in keeping pace in town with growth and accompanying law and legal problems. They have 400 arrests per years which would translate to an additional 1600 hours per year in cost to the law enforcement staff adding up to \$56,952 a year without dealing with increasing staffing. Therefore, this generate a profound concerns in the east end of the County. An officer taken out of local services area would not be able to provide assistance to the Garfield County Sheriff's deputies and State Patrol. It is obvious if they are transporting they would not be available. He agrees with City of Glenwood Springs that this would be a good purchase in Rifle and said he encouraged the Commissioners to go ahead and purchase the land. However, the location of the jail in Rifle is not good in terms for the Town of Carbondale. He added that the law enforcement professional teams made up of the Chief of Police in Glenwood and Carbondale and the Sheriff calculated information and he voiced a concern that the Commissioners listen to them on this matter. He acknowledged that it was a political decision but basically they should be based on the best information possible. The population of Garfield County is approximately 36,000 people. There are approximately 12,500 people that live in the City of Glenwood Springs and the Town of Carbondale which equals approximately 1/3 of the voters but their main source of sales tax income. According to the Sheriff's office, approximately 64% of arrests are generated Glenwood Springs to the Carbondale area. This is where the need is and to relocate the facility to a distant site would certainly put a great stress on their system -- both fiscally and socially. He urged the Board to consider whatever negotiations are possible in dealing with the City of Glenwood Springs and keeping the jail at the current site.

Terry Wilson said he was representing the law enforcement side of this issue and appealed to the Commissioners that their decision should be nonpolitical. He credited Joe Friday or John Martin taught him that there is a few basic things in law enforcement that you pay attention to -- one is what you can define as facts and another is creditability in folks presenting those facts to you. The Sheriff has been elected and reelected and is giving them good information and good advice as to where the jail belongs. The raw numbers of it considering the bookings that are taken directly to the jail but the book ins at this jail that are generated by service of warrants out of area on persons that they have obtained paper work on to bring them back here to face the court systems and you spread these numbers throughout Garfield County that contribute to Tom's hotel being fairly full at all times, you come up with a total of 696 book ins just in 1998 that are attributable to Glenwood and Carbondale. That compares to a total of 361 book-ins that are attributable to Rifle, Silt and Parachute. The borderline there is usually defined as New Castle being the split on the east/west side of the County and they counted for some 39 book ins. If you take just that fact alone, it seems to him from a limited knowledge of the political aspects of this that from a law enforcement aspect the two towns of Glenwood and Carbondale put a lot more folks in that jail than anybody on that end. It is not necessarily something to be proud of but it is unfortunately an unnecessary evil in our society. These numbers are not going to change and when you look at a 2-1 right now, we're talking about a long time before the majority use of a jail facility would be down in the west end of the County. Law enforcement has long been told and he agrees in principle that we must be A in political. The only political face in law enforcement is the Sheriff and they rely on him oftentimes as a political force in addition to a law enforcement professional to represent their needs, concerns and opinions. The Sheriff has worked towards and supports the jail staying in Glenwood Springs and he has done that with the support of the law enforcement community. In looking at a group of folks he's worked with on a number of issues and doesn't see anyone here today that hasn't dealt with things in a realistic common sense and straight forward manner. He asked the Board to consider that here because he's been unable to find any evidence to convince him that moving the jail 25 miles away from the center of its active life is the right move and certainly would be very damaging to his department and that of Carbondale and in a lot of respects to the Sheriff. His east end deputies contribute a lot of bodies into the jail and typically they have one person designated to the east end and they are running an additional 25 miles to the west end to lodge that prisoner, that's leaving a portion of the County without law enforcement protection and he would anticipate that the Sheriff would have to substantially increase the number of road deputies he employs adding additional cost or asking a bunch of our folks to run out of their jurisdiction to help cover those emergency situations. Terry said that they do that now with the jail as centrally located as it is. This could reach a breaking point to where they are unable to -- certainly not out of being obstinate but because they won't have the people nor the resources to do it.

Doug Toft Mayor of Rifle commented that his viewpoint was that any building can be built on any site anywhere -- it amounts to the cost versus the value which you gain out of it. The new wrinkle about closing 7th Street is new to him as a potential for the long term expansion possibilities of the MOC site.

The future of Garfield County's growth is the west end - it may take time but they feel that if you choose to build on a site that is limited, in a short time they will need to have to build another jail. There is in Rifle, no election needed, an assured acreage for expansion for long-range and allows for other structures to be built. He said that he feels that the transportation and operation costs over Glenwood are suspect. On transportation costs -- Rifle is now experiencing those costs even though it's not near in ratio for what they have heard here today. He still believes it is wise to look into the future in picking a site to satisfy this issue. They believe that Rifle residents in our time and our children's time western site and encouraged them to consider this Rifle site.

John Scalzo of Rifle said the jail is for the entire County and not just Glenwood springs. Rifle has been paying for transportation all these years; now it's time for Glenwood. He asked why doesn't Glenwood Springs have a holding jail? All this time Glenwood Springs hasn't wanted the jail inside their city; now they realize they will be giving up 3% sales tax estimated at \$12 million dollars they have changed their mind.

Chairman Smith interjected that the government is tax exempt.

Gene Park mentioned that 50% of the arrests live in New Castle, Silt, Rifle or Parachute. These folks have been transporting their prisoners all the time. We pay taxes as well. He projected much more development in the west end of the County and encouraged the Commissioners to look ahead 10 - 15 years down the road.

Dick Pritchard on the MOC site said he had concerns regarding the cleanup on location. He referenced a site that was purchased for \$25,000 and ended up costing \$13 million due to the remediation on the land. Commissioner Martin mentioned he had received the letter from Dick as well.

Dave Sturges spoke for the record noting that he had worked on the jail advisory committee for 18 years. He knows the limitations of the existing jail and the patchwork of programs put to it over the years. In a review some years ago, it was clear to him that something was missing and called it a critical element that taxpayers and citizens needed to have to figure it out. What we missed was a reliable record of who is at the jail, how long they are there, and who uses it. For several years now they have collected that information and have the answers to these questions. These answers tell us that this jail, like many other jails, is used largely by drug and alcohol related crime; and not having evidence of insurance. These are matters that are expensive to handle; the cost of a bed in a county jail is higher than a less secure bed operated and constructed. He has seen proposals for those facilities; due to available land, zoning, etc. they have been able to transpire to establish a larger community corrections program to handle these areas. He encouraged the Commissioners to once more look at this again as the issue. What is the new jail going to do? Have we learned anything over time from the information gathered? The savings in the long term is to locate the jail close to the Courthouse without the extra cost of transportation and liability associated. The sites in Glenwood have become more and more difficult. The Commissioners acquired the UPL site in a proactive move and it was noted publicly that it was for the jail. This was being sold at a distress sale. Over the years as planning on this site began to transpire, it has become unclear of the expansions of this jail. 8 - 10 years ago - today it doesn't. Very reluctant to look away from the UPL. The expansion covered at the MOC site have shown adequate expansion capability within 10 - 15 year site. The MOC does have expansion that can meet the needs of the jail and the biggest saving of this jail is not going to be available for expansion forever and ever. It's not a good investment; we must find something that meets the needs at this time. He suggested that everyone needed to equally look at a program and a facility to accommodate those prisoners that do not need to spend time in the jail. Based on the information accumulated the jail should be reserved for the serious and dangerous criminal. Drug and alcohol users are a public safety concern but can be dealt within some facility that gets them out of the house and/or car into a detox center. A County jails over prisons - inmates are around here. Family and employers here.

Dave continued saying that he never wanted to see his name of a jail or steel box. There are a lot of needs in this county including -- roads need to be safe -- social services programs impacted directly due to the fact that over some period of time, what facility, its costs, and where located, will continually impact the public dollars and therefore he encouraged the Board of County Commissioners to take these dollars and put them into some place that makes a lot of sense.

What are you going to do - "the right thing - a long term decision, based on current and credible information" making a decision will have a big impact on the citizens of the County and the municipalities. Sheriff Dalessandri mentioned a lot of costs have been discussed costs between the Rifle and Glenwood site and he pointed out a couple of things on this. Particularly in the area of transportation. This is a small portion of the overall costs. He said there were two issues - 1) transportation and 2) operations -- but they

are interrelated. One is the difficulty of running a location of a jail away from the County seat and it is very obvious to him that it will be very difficult to operate when they are removed from the main stay of the County seat where the services are required. This is not directly related to law enforcement but the courts, probation, parole, district attorney, public defenders offices, detox and Colorado Mental Health. These services will not move with the jail but will remain in the area of the County seat. The cost of the impacts associated with the jail operation are directly associated to the Sheriff's office but also the cost to these various agencies will also bear a tremendous cost increase. In regard to those numbers that he submitted to the Commissioners, he asked that they be validated. The Commissioners asked Allen Sartin, Finance Director to validate these numbers. Allen came in with a very close range of the numbers that Tom said he projected. This presentation today is not to present a picture that Glenwood is the most suitable site for the Sheriff's Department. This issue was looked at objectively -- and in line with his duty to the taxpayers to run the most efficient, effective, and safest jail possible and his obligation to do that with sensitivity and response to your tax dollars. Thus, these figures were the focus. If building the jail at the Airport had proved to be the most practical and prudent thing to do then he would have reflected those numbers. It did not. When we save \$450,000 that is the bulk of the dollars with running a holding facility for the court. Tom said they tried to do that extremely efficiently. It could have gone a lot higher, but they didn't concentrate on making life easier for themselves in terms of operation. Instead they designed the budget in relation to the most cost effective way they could possibly run the jail from the airport and still provide the obligations here at the County seat. The figures in the newspapers reflect a 1.3 million dollar cost. Actually the figures ran last week came to \$1.192 million dollars relative to running a book-in facility. Book in facilities differ from a holding facility meaning the Sheriff would provide 24 hour, 7 day a week lodging - book in operations for the east end organizations.

Rifle has said that we don't do that for Rifle. Tom said he understands that -- it is not a matter of preference, it is a matter of necessity for the volume that comes in from through the east end municipalities. The fact that the figures on paper represent 75% and this morning you heard 64% have their own clarity associated with them. 64% of the 75% are based on book-ins of all municipalities in the County with 64% being Glenwood and Carbondale and the remaining balance being New Castle west. They did not calculate in State Patrol arrests nor the Garfield County's arrests primarily because they are all over the County. But if the number of arrests were broken out on this end versus the other end, the numbers would clearly rise to the 75 percentile for those arrested and logged in the Garfield County Jail. If the Town of Carbondale and the City of Glenwood Springs which I fully expect will do at some point and time if not now, require that they have a book-in facility here. This would mean expanding our operation at this facility to the 24 hours 7 days a week. This is where the \$1.2 million dollar comes in the play. If you look at building a jail in another location and factor in the pluses and minuses, the gives and takes, and what each community is willing to offer, you will find that we can probably build these jails comparably in terms of costs and will come in with a visible fraction of each other when all is said and done. The key for Tom is the cost for each one as taxpayers over the life of this building. And that is why he is so passionate about this figure. If it's costing us an extra \$500,000 a year, an extra \$1. million a year; the inflationary rate for operations would be 3% to 5% -- you calculate this into the life of this building. On a number of occasions I have discussed the life of this building and this has not set well with taxpayers who are paying money to build structures, but the fact of the matter is that every professional will tell you that jails are not historical buildings anymore. As communities expand needs change and the decisions made for a 36,000 population, will be very different when our population rises to 50,000 people. As those decisions change-decisions as to whether to keep a building in one location or another will change as well. Oftentimes it becomes prudent that a location of a jail or any other structure may be more cost effective to be destroyed and replaced in another location rather than remedy and contain it in the location that it was originally constructed. This is sound fiscal management. As it pertains to this particular jail has the plans that are very technical, and a jail can be built on the MOC site. It can meet our needs. A jail is a 24 hours, 7 days a week, year end and year out operation with a heavy duty use and wear. They wear out. Had we replaced the current jail when these discussions were first opened, it would have been between 20 and 25 years old. If we maintain this jail for 30 to 35 years, we will have exceeded its expectancy no matter what we do with this building. If the County population rises to the level in excess of 50 thousand people in that time frame, it may be practical and prudent that it be moved to another location outside the City of Glenwood Springs -- but Tom said his point is that it is premature today. We don't want to spend \$500,000 - \$1.2 million maybe \$2. million a year over the life of this building when in fact the most economical place it is right here. Tom reiterated that he's tried very hard in the last four years and will try in the next four years to run the most

effective, efficient jail he can and whether it's here or in Rifle, but no one understands the operation of a jail except one who has had to run it. It's not like running a warehouse -- it's not like running an office -- there is incredible 24 hour, 7 day a week around the clock exposure and liability with running a jail with people who are incarcerated and have had problems in their life and are dependent upon governmental services. It's very very difficult and it requires constant management -- removing the access of our facility from this County seat depletes our ability to manage it effectively without a tremendous increase in staff and dollars. That is why he is so compassionate about keeping it as close to the Courthouse as possible. Let's keep our staff level down, let's keep our cost down, let's keep our operation under one roof and I think what you'll see is that we will be able to save substantial dollars in doing this over the life of this building. At whatever point we arrive with the population of this County and it exceeds not only the jails capability but the capability of this County seat to provide services, he said he thinks we all can agree that there will be a time when it's appropriate and services regardless of whether it be a jail or whatever change and they move to other locations. This is not the time. As it pertains to the Airport site, Tom asked to go on record as saying this may be an appropriate piece of property purchase and it may be an appropriate piece of property to locate other county services -- services that are not dependent upon the County seat -- operational centers for Road and Bridge, some pilot offices may be very appropriately located there -- are they dependent upon the County seat -- not like the jail is. Tom added that he wanted to emphasize that the most disturbing part is that this has become a competitive action between the City of Rifle and the City of Glenwood Springs -- This is about Garfield County and every collective taxpayer constituent in this County. If the benefit to Rifle where such and frankly some of the numbers are suspect -- suspect to what a jail is to economic development of Rifle per se, but if the numbers were equal and it was competitive, then I'd say this wouldn't be a bad deal for Rifle. But the fact is that the impact will be on everyone of us -- including the citizens of Rifle. As he walked the community of Rifle during the campaign he had virtually no one tell him that they were angry with him because he was not supporting the Rifle site. It seldom came up and when it did, there was generally a feeling of indifference. If you walk the streets of Glenwood Springs, there is a very strong feeling from the constituency that the jail should stay here. I think that what we see, and all the research done as well as all the studies, is that the most practical place -- the outcry from the public from a responsibility for fiscal management remains in the County seat -- remains here in Glenwood Springs and we can build it here effectively -- we can build it here efficiently so we can continue to run it long into the future for the life of this building and strongly urge in this final last few minutes of decision making that the Commissioners heed to the professionals that are offered information and advice to them and that we commence with the construction of the jail here in Glenwood.

Most disturbing - Rifle and Glenwood - not - this is about Garfield County and taxpayers. if numbers were equal and would benefit Rifle - but it won't - it will be an impact on all of us.

No one was angry that Tom did not support the move of the jail to Rifle.

The most practical place of the jail remains in the County seat - we can built it here efficiently and strongly urged the BOCC to heed to the professionals to commence the construction in Glenwood.

Ed Green said he was asked by the Commissioners to speak to the CoGen folks about the heating alternative. He and Dale met with Lynn Richardson and he indicated that it is possible to heat that facility using residual heat from the CoGen process. Right now they have an agreement with a company which uses the heat for greenhouses to grow tomatoes - Wolf Creek Rifle. That agreement is for 150,000,000 BTU's per year. The historical usage around 100,000 so Lynn suggested that the expedient way to deal with this would be procure the residual heat from Wolf Creek and he thought the 50,000,000 BTU's would be sufficient. CoGen would probably be somewhat involved in a part of a 3 party agreement to ensure delivery of that heat. It would require a 36 foot run of PUC pipe from the CoGen facility to the jail and there would be 3 or 4 times a year when they would be down so the County would still have to have another source of heating and cooling source. Ed said they were trying to get some more definitive figures, but their best guess that it would cost \$1.25 per sq. foot to heat with residual heat and \$1.65 or more to heat with natural gas. This is roughly a 40 cent difference and associated with the 84,000 sq. foot maximum would surmise a saving of \$34,000 a year to use CoGen heat. This would go towards the first year cost of the 36,000 feet of line.

Ed said that he and Dale also met with David Hawker and based upon discussions there would be amenable to a further reduction in the tap fees in the amount of about \$82,000. If you apply that savings to the \$3.79 million total it brings the total site preparation cost to about \$3.3 million. This doesn't consider the value of the Rifle Courthouse which will be excluded. The City of Rifle estimates that to be about \$300,000 if you apply that and puts the site preparation cost to \$3 million.

### *Decision on the jail site*

Commissioner Martin made a motion and added that he based this on common sense and not residential preferences as has been quoted in some of the newspapers and it is also not based on political pressure. This motion is based on what is best for all of Garfield County. It is based on a long range cost that drives this and not only the cost of the building but the overall cost of the programs that we have in place -- the departments that this will take revenue, income, etc. So my motion is to accept the Glenwood Springs MOC site, to finalize and negotiate to get things done by June 1, 1999. He added considering the location to the Courthouse, the work the Sheriff has done on the potential site, the workability of the City of Glenwood Springs to go ahead and reduce at all costs soil mitigation, the support that we have of the citizens, the City Council, the law enforcement, percentage of use that we have for this facility and the operating cost of its lifetime, not to mention again all the other costs talked about from the DA, Courts, Probation, Public Defenders, the Attorney's and all the victims that we have. So I would say, this is the best and he urged a second for discussion purposes.

Commissioner McCown said he can not second that motion for several reasons and again he hopes this is not construed as where he lives as it has been. The Sheriff brought up a good point that when the population of Garfield County reaches 50,000 -- needs may change drastically and he thinks everyone in this room is going to be shocked when we get our census next year. He predicted we would be on the long side of 40,000 and not the short side, adding that we will be approaching 50,000 rather rapidly. Geographics -- central location -- he keeps hearing Rifle. The site we are looking at in the Rifle area is a Garfield County site. It will allow us to build, build to our own County process and will not involve any other municipal entities as far as permitting. Hearing process, we will be allowed to do our own inspection through the agreement with the City of Rifle, they will agree to allow us to do that right up to the point of occupancy at which time we will be annexed into the City of Rifle and they will provide us with water and sewer services. He added that he doesn't feel comfortable still with the things he's hearing on the MOC site even with the Phase II and the \$20,000 on remediation of the dry wells -- he said he thinks this is a scratch on the surface and didn't think we would know what the remediation costs of that site is until excavation begins. Then he's afraid it's too late. The City of Glenwood has been gracious and has agreed to up to \$200,000 in remediation because even if they put their City Hall there they will still have to bear the cost of that. He wasn't sure that \$200,000 would do it. If they get into that site and it goes beyond \$200,000 they agreed not to go any further -- this site really isn't worth it for their City Hall nor the County for a jail -- then where are we at? We're back at ground zero. This started two years ago tomorrow when he was elected to this position and he was not any further housing the prisoners that Tom has to supervise, maintain and provide safety for than the day he took office. He thought he was a couple of times, but he was not. The flexibility of the Rifle site will allow us to move forward as a County and sees the cost in a savings in overall County operations and projects that have only been brought to light with the construction of the site for the jail. They're not prorated into other activities in the County. The point keeps coming up it is a County facility -- we are County taxpayers. He did not want to get into the mileage that Silt, New Castle, Parachute, Battlement Mesa - whatever the deputies have had to work the west end and have had to spend transporting to Glenwood springs. That irrelevant. The numbers of arrests is something he isn't questioning -- it is still Garfield County and we run all the way to Utah. We don't stop at Parachute; we don't stop at Battlement Mesa; we don't stop at Rifle; we don't stop at Silt or New Castle -- we go all the way through -- and geographically, the Rifle area jail at the Airport is centrally located. Nothing was said about the deputies in the west end when they have to pull out to come to Glenwood with a prisoner. The police departments in the west end may not have the luxury of having as many personnel as the police departments in the east end have so in fact it may be a greater hardship on those in that area. So he said he can't support John's motion and he won't.

Chairman Smith said she will not second it either and felt the County needed to look at long term. She said she knows the population is sitting at 39 to 40,000 and we have to look at room for expansion. It really bothers her with the little in jail population and has said it before -- this week they had 103 - 107 but that population has been up in the last month to as high as 140 when we start out with 192 beds -- those beds are going to be filled very very shortly. She added that she agrees with Dave Sturges that they need to look at community corrections. Still it is real important to have other options available so they're not taking up beds in hard cells but Tom did have money left over this year in transportation costs and the other part is if we start trying to stopgap with remodeling on the present site we have, these are very expensive remodels because they are strictly a band aid and a stopgap measure no matter where it goes. She added that she hated to purchase a site (referring to the remediation issue) and it reminded her of Mesa County when they



moved their jail and experienced some very serious problems with it due to remediation of the soil. She felt the County would be very shortsighted to take the MOC site and build something that would be very short term the way they are increasing jail population. Therefore she can't second John's motion either. Commissioner Martin called a point of order. He said two months ago he made a motion that if the Commissioners could not finalize and accept the proposal of the Glenwood Springs City Council that we move to the Airport site as the selection for the jail. So at this point he would like to make that clear that the Rifle site had been accepted and his motion would be to instruct staff to work out the details for the purchase of property, to start working on a financial scheme, work on design and construction of the jail, to commence by June 1st.

Commissioner McCown said if Commissioner Martin would amend that motion to indicate should any adverse conditions be found that would greatly impact the Rifle site, he would second your motion. We always meant it to be sound construction.

Commissioner McCown said he would second that.

Smith - aye; McCown - aye; Martin - aye.

Sheriff Dalessandri said given that decision is made it will give us process of moving on and he wanted to thank all knowing in spite of the difference in this process, he didn't feel it's about this thing. The Commissioners worked pretty hard on this thing and we've already commenced in their discussions about the possibility of the move and have begun planning should this decision have been made. He said the Commissioners have his full commitment to fulfill this efficiently and effectively to make this happen as quickly as possible. He said the Commissioners have his full support.

## **ROAD AND BRIDGE DISCUSSION**

King Lloyd and Mark Bean were present.

### ***County Roads - Posted Weight and a Permitted Weight - Application***

King said that he drew a few color coded maps showing the axle weight restrictions in the 1990 Resolution and then the ones proposed to use in the revisions for the 1999 Resolution for roads and bridges. King asked the Board of County Commissioners to consider adopting these new weight restrictions.

Discussion was held and the Board reviewed the maps and proposed restrictions.

King said that Bob Szrot had a lot of input into the restrictions and the report lists all the County roads affected with a location and description. King also reported that the permit holders were informed what they would need to do on this.

King mentioned he had notified the logging permit holders of the new restrictions.

Commissioner McCown mentioned the ranchers may have some problem with this as well.

A motion was made by Commissioner Martin to adopt the weight restrictions with the direction to Don DeFord to do a Resolution. Commissioner McCown seconded the motion; carried.

### ***Year End Weight Restriction Reports***

King explained the handout on the permitted loads.

#### ***Weight Restrictions for Every Road***

The Board mentioned to have weight restriction for every road in Garfield County was a goal and something they would like to work on.

### ***Plat and Resolution - Lorentson***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the plat and resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Leonard Lorentson; carried.

## **PUBLIC HEARING: A REQUEST FOR THE APPROVAL OF A SUBDIVISION PRELIMINARY PLAT IN CONNECTION WITH THE PROPERTY LOCATED AT THE NORTHERN END OF THE EXISTING RIFLE CREEK ESTATES, TWO MILES NORTH OF RIFLE. APPLICANT: CARLYE FOWLER**

Commissioner McCown stated he has a conflict and stated he would step down as he is a homeowner and a member of the Homeowner's Association.

John Barbee, Don DeFord and Andrew Marais for Carlye Fowler were present.

Don determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

John presented the following Exhibits for the record: Exhibit A - Green Return Receipt Cards from certified mailing; Exhibit B - Proof of Publication in the Daily Sentinel; Exhibit C - Rifle Creek Filing 2 - Preliminary Plat; and Exhibit D - Planning Staff Report and Attachments/Photos.

Chairman Smith admitted Exhibits A - D into the record.

John stated this was a preliminary plan review for a 40.70 acre tract of land located north of Rifle, adjacent to and would be an extension to the Rifle Creek Estates Subdivision. The land would be subdivided creating 15 new lots with an average density of 2.71 units/acre.

Chairman Smith inquired about the Wildfire Plat note under Condition No. 3.

John explained that there was a new wildfire requirement.

Mr. Marais presented.

Filing No. 2 Homeowner's be responsible and have in the covenants - a levy assessed to maintain the extension.

Condition No. 5 - dedicate roads and easements dedicated to the County.

On chip and seal for the driveways he said the driveways were not maintained and asked not to have them dedicated. Also, all easements including the water easements do not belong to the new homeowners.

Chairman Smith said she has a problem on the water storage; 40,000 gallons of storage.

Andrew said the current tank is 22,000 and the intention is to double this to 44,000 gallons of potable water. He said they met with the homeowners and by a written agreement submitted to the homeowners. Once approved it will be built, inspected and the County can approve or not approve.

Andrew said that the Fire Marshall wanted the level to be at 30,000. The Fire Marshall said he will sign off on 40,000 but Andrew stated they will be adding for a maximum of 44,000.

Andrew asked the Board to strike No. 3 in the staff report.

Don DeFord addressed the road issue saying the subdivision regulations state all roads have to be dedicated to the County for the public and designed to the standards the Board has adopted.

Commissioner Martin mentioned that he wanted two accesses.

Public Comment

*Robert Shuckman* 420 Mesa Drive - current president of the Board of Rifle Creek Estates and acting as a spokesperson for the Board. He submitted a handout. Chairman Smith said this would be Exhibits E.

Chairman Smith admitted Exhibit E into the record.

Robert Shuckman said he was not opposed to Phase II development but did have some concerns.

Upgrading the water system is a concern. Water rights are a concern. Need for a specific written agreement for road maintenance. Current homeowners not responsible for those fees. The issue is amending Article of Incorporation and By-Laws and the costs associated with those. Some concern on the egress; concerned that the proposal is only seasonal. Water - fire protection -- will there be an additional water storage unit to require storage to fight fire? There is no agreement in place.

*Robert Colorosa* - homeowner in Rifle Creek Estates - addressed the sharp turn on CR 325 and the need for two accesses into this area. He referenced Larry Valesquez, Flaven Cerise and Jim Drinkhouse, former commissioners making two accesses mandatory prior to approval of this as a subdivision. He said they did not approve his request due to the lack of the two accesses and felt it should be fair to all the same as him. He referenced that he had some newspaper clippings on it as well that held the comments by the three commissioners.

Chairman Smith said she has a real concern about access with there being only one and suggested making this a condition to have two accesses.

Chairman Martin said he had two conditions he wanted to change. One is a condition that the road maintenance and building of those roads including dedication of roads and easements and they need to have a signed agreement on the water usage, water rights and the water storage. These need to be addressed as conditions of approval as well.

*Larry McCown* was sworn in.

*Larry McCown* - spoke regarding Mesa Drive -- that is a county road maintained by the County. John Barbee mentioned only one mile of road would be assessed an impact fee.

Andrew Marias clarified that this would be for two all-season access roads. The BLM access does not apply.

Further clarification was made that this should be an all-season; chip/seal road and meet all county road standards. One should be off of Mesa Drive and one is Mesa Drive.

Recommendation:

At their November 12, 1998 hearing, the Planning Commission recommended APPROVAL, with 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.

That the applicant shall have 120 days to present a Final Plat to the Commissioners for review from the date of approval of the Preliminary Plan.

That the applicant provide a seasonal fire access road to the subdivision to the satisfaction of the County Engineer.

That the general note indicated as #10, found on Sheet 6 of 6, Preliminary ISDS Plan, be removed from the plat.

The applicant shall dedicate all roads and easements in the subdivision to the County.

The applicant shall realign the building envelopes for Lots 7 and 10 to provide a usable building area.

The final plat shall reflect all recommendations of the Colorado Department of Public Health and Environment as indicated in Attachment #1, and elsewhere in the application material.

That the following plat notes shall appear of the Final Subdivision Plat:

"One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined with the owners property boundaries."

"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 there under, 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 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."

"That in the future event the property described by this Final Plat has the reasonable ability to connect with any municipal or centralized sewer service and remove any existing individual sewage disposal systems(s) which may be located on said property, within one year of the effective date of service availability."

"Control of noxious weeds is the responsibility of the property owners."

"Garfield County has a *Right to Farm and Ranch* regulation which recognizes the important contribution agriculture makes to this County. Nuisance complaints made against customary and legal agricultural operations and practices will not be pursued."

"Water quality tests for the Emmer Well #1, raw water, indicate the evidence of radioactive particles."

John Barbee referenced paragraph H on page 4 for the recommendations made by the Planning Commission; and Item 8 on page 5 saying the Planning Commission omitted Condition No. 8 as it was too restrictive.

A motion was made by Commissioner Martin and seconded by Chairman Smith who stepped down as Chair to close the Public Hearing; carried.

A motion was made by Commissioner Martin to approve the subdivision request however he added requirements as plat notes: add the wildfire mitigation and defensible space; keep item no. 5 the same -- road and road easements in place -- they must dedicate those to the County; there must be two access road ways -- these must also be chip/seal minimum meeting County standards; the water storage be 60,000 gallons or more; that there is in place a written agreement on the road maintenance with the homeowners association; that there is a written agreement that water use and rights and participation in the water storage has been agreed; also an agreement of the by-law changes or amendments as presented by the Homeowner's Association.

Don said there needed to be clarification on one of the conditions -- in terms of the road maintenance agreement, when it comes to the staff, is it acceptable if it has road maintenance to the responsibility of the 201.

Chairman Smith stepped down as Chair to second the motion. Motion carried.

**PUBLIC HEARING: A REQUEST FOR THE APPROVAL OF A ZONE TEXT AMENDMENT, TO THE SECTION 9:03, SPECIAL USE PERMIT, AND TO SECTION 9:02, CONDITIONAL USE PERMIT BY AMENDMENT PROCEDURES AS IDENTIFIED IN SECTION 10.01.01 OF THE GARFIELD COUNTY ZONING RESOLUTION OF 1978, AS AMENDED. SAID ZONE TEXT AMENDMENT WOULD ALLOW UTILITY COMPANIES TO PREPARE AND SUBMIT APPLICATION FOR CONDITIONAL AND SPECIAL USE PERMITS FOR THE PLACEMENT OF UTILITY LINES AND SUBSTATIONS IN ALL ZONES. APPLICANT: PUBLIC SERVICE COMPANY OF AMERICA**

John Barbee, Don DeFord, Carlye Fowler were present.

Don determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

John presented the following Exhibits for the record: Exhibit A - Media Publication (3) in general circulation and Exhibit B - Staff Report.

Chairman Smith admitted Exhibits A and B into the record.

John said this will allow utility substations to be used as a special use requirement.

Commissioner McCown asked if this was making our regulations stronger.

Don DeFord said it was in regard to utilities and it does permit them to come before the Board without coming before the Commissioners for each landowner along the river. This only does so when they have the power of eminent domain which means they can get the property anyway. Secondly, it requires noticing to those landowners.

Recommendation:

The Planning Commission recommends APPROVAL, with the following conditions:

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

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the request for Public Service Company of Colorado for the approval of a Zone Text Amendment, Special Use Permit and Conditional Use Permit to allow utility companies to prepare and submit applications for Conditional and Special Use permits for the placement of utility lines and substations in all zones; carried.

***Recess until 8:30 A.M. - January 12, 1999***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn the meeting; carried.

Attest:

Chairman of the Board

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**MARIAN SMITH RECOGNITION**

Resolution 99 - 011 was read into the record -- A resolution concerned with the recognition of Marian Smith, and delivering praise, kudos, and other backslapping congratulations at the moment of her departure from the confines of the office of Garfield County Commissioners.

Numerous guests attended the function and provided memories and photos of Marian for her retirement.

A antique ballot box was presented along with a plaque that read:

With Fond Memories for Years of Dedication and Service to the Citizens of Garfield County  
January 1987 - January 1999.

The Commissioners Room was decorated in red, white and blue helium filled balloons, streamers, plates and cups to match.

Scenic decorated cakes were part of the refreshments.

**JANUARY 12, 1999**  
**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, January 12, 1999 with Commissioners Larry McCown, John Martin and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Commissioner Martin called the meeting to order at 9:00 A.M.

**ORGANIZATION**

Commissioner McCown made a motion to elect Commissioner Martin as the Chairman of the Board of County Commissioners for the year 1999. Commissioner Stowe seconded the motion; carried. Chairman Martin made a motion to elect Commissioner McCown as Chair Pro-tem. Commissioner Stowe seconded the motion; carried.

Mildred provided the usual order for the regular Commissioner meetings, special meetings and holidays. Mildred mentioned that special meetings need to be noticed 24 hours in advance and she needed to be made aware of those. Also whenever two of the Commissioners meet somewhere, she needs to be notified and she may need to be present.

The meeting dates were decided as the first three Monday's of each month, except when there was a scheduled holiday that would change that to the Tuesday proceeding the holiday.

Chairman Martin mentioned the handout provided by Don DeFord outlines the updates. He encouraged each one to read that and be well informed. The informal rules and procedures established during the land use public hearings and public meetings are defined before the meeting starts and rules and regulations can then be made public.

Commissioner Stowe moved to stay within the informal rules of Robert's Rules of Order with the purpose of connecting weekly meetings.

Commissioner McCown seconded; carried.

***Procedure of Recording of the Meetings***

Chairman Martin mentioned the Commissioners needed to be sure that Marian Clayton was recording everything and have the minutes reviewed and approved.

Mildred mentioned a copy of the minutes would be distributed after they are transcribed. The Board needs to review and submit corrections/changes, etc.

***Boards and Commissions***

Chairman Martin mentioned the Commissioners needed to recognize all Boards and Commissions that included identifying who is appointed to each one, an update as to years of service if applicable and to advertise for vacancies.

Ed Green was directed to advertise the vacancies -- discuss with appropriate staff if necessary and provide the Commissioners with an update.

***Upgrade - PA System - Room 301***

Commissioner McCown moved to resolve the problem with the PA system in the Commissioner's Meeting Rooms - 301-302-305. Mildred has one bid however she was asked if she would contract people with the expertise and rectify the problem. A redesign of the room was also proposed.

Commissioner Stowe seconded the motion.

Cordless microphones and moving the tables were among some of the discussion items.

Motion carried.

***Agenda - Updating - Revamping***

Chairman Martin mentioned the idea of revamping the agenda and getting information prior to the meetings in order to review and be better prepared to make decisions. It was suggested that the Commissioners sit down with Don, Ed and Mildred and discuss this further. A consent agenda time would be better and

utilize the time more effectively. Establishing regular breaks and lunch was also suggested as well as consideration of the staff's time.

Ed was asked to have the Department Heads and Elected Officials included in a Worksession to specifically discuss this revamping of the agenda.

Commissioner Stowe suggested spreading out the land use items and to have one in the morning and one in the afternoon.

Commissioner McCown suggested scheduling on Tuesday morning as well in case the agenda was long or heavy laden with Planning Issues.

Mildred mentioned in the past this has been reserved for the larger group hearings where they know a controversial issue is present.

Commissioner Stowe asked to have the bills on Friday to review; then be able to request to see specific bill(s) during the meeting and perhaps even having the department verifying in case there were any questions.

Chairman Martin added that he would also like to see copies of proposed Resolutions as there have been some errors found in the past.

Mildred suggested that they could have them one week before or on the Friday before.

### ***Team Building, Planning Meetings, Strategic Planning Meetings***

Ed commented that the Commissioners were welcome to attend.

### ***Sheriff Reports***

It was determined that weekly reports would be received from the Sheriff; only once a month for communication on specific issues unless they required time-dated decisions.

Don DeFord reminded the Commissioners that they had a statutory requirement to review the jail.

### ***Jail Discussions***

These would related specifically to the new jail. The count from the jail is needed but put on the County Administrator's report.

### ***Worksessions -- Discussions -- Decisions***

Ed said that various ones would have standard work sessions with the Board and then others that were miscellaneous.

On work sessions, Don reminded the board that if action was to occur then it should be listed on the Agenda. Therefore, these should be defined.

Commissioner McCown said his idea was to have a brainstorming session, then a decision would be made. Mildred suggested "reports" versus work sessions due to the implication of "work sessions."

### ***Breaks and Lunch Time***

The Commissioners requested specific break times for phone calls or whatever is needed to be done.

### ***Contracts - Documents - Signed in the Regular Meetings***

Mildred said no Contracts should be signed out of the meeting in order to have the minutes reflect the action as well as a record of the vote.

### ***Personnel Meetings***

The make up of the Personnel Committee consists of one Commissioner and one vote; this usually transfers to the Chair of the Board. A proxy vote can also be delegated.

Mildred reminded the Board that later today the Personnel Committee would be meeting and the discussion topics included: Road and Bridge regarding overtime hours, the drug and alcohol testing policy, and sick leave policy.

### ***Adjusting Salaries***

Don reminded the Board that they need to establish the merit pay scale and could keep it at the same if they wanted. The merit pay within the budget includes a certain percentage for all the evaluations.

Mildred said that specific recommendation came to the Commissioners but it was altered to fit the budget.

Ed asked if the pay ranges were adjusted as the increases?

Chairman Martin stated that the ceilings will stay the same.

### ***Market Surveys***

Mildred mentioned having a market survey at which time ceilings would change somewhat.

Ed suggested the need to do a market every year but every three years to do a national market survey.

Commissioner McCown mentioned, realize the impact on the budget as well.

Ed said he understands what it should be and what reality is; at any rate those two pieces of information should be delivered to the Commissioners.

### ***Plats and Legal Descriptions of Property***

Marian Smith reminded the Commissioners about the wrong legal property description that the Board approved. She suggested to perhaps require the individual surveyor's verification before it comes to the Board.

Don DeFord suggested that before the final Resolution is signed verification should be part of the process.

### ***Weight Restrictions - County Roads***

The Commissioners mentioned the weight restrictions adding that all roads should be posted or at least listed somewhere for the Public to see.

Don reminded the Board that staff had been given that direction on Jan. 11, 1999.

Land Use Issues - Impact Fees.

Commissioner McCown mentioned there are gaps in the system for impact fees and expressed the need for the Board to address. He wants the various departments to bring known problems to the Board so they can identify the inadequacies and take corrective action.

### ***Committees - Commissioners Participation***

Chairman Martin mentioned the importance for the Commissioners to identify the Committees they serve on and provide a breakdown of the meetings attended.

The following was decided:

#### ***Insurance Board***

Ed Green was appointed to serve on this Board with CTSI by the Commissioners.

#### ***Land Use - Natural Resources***

Commissioner McCown

#### ***Oil and Gas***

Commissioner McCown

#### ***EPA Colorado River Corridor***

Pollution of the River - Guy Meyer usually attends.

#### ***Watershed Subcommittee***

Bob Szrot and Commissioner McCown

#### ***Legislative Committee***

Commissioner Stowe and Chairman Martin

#### ***Agricultural and Wildlife***

Commissioner McCown

#### ***General Government***

Commissioner Stowe

#### ***Transportation and Telecommunication***

Chairman Martin

#### ***Health and Human Services***

Chairman Martin and Commissioner Stowe

#### ***Public Lands***

Chairman Martin

#### ***Taxation and Finance***

Commissioner Stowe

### ***Rap Sheet for Department Heads***

This is to be given to Barbara Gaber by Thursday at 5 P.M. in order to be included in the packets for the Commissioners. This will identify documents and subject matter.

***Press Station - Copies Requested***

Jim Files for the Independent and Anne Marie Kelley for the Glenwood Post requested copies of items as well. This helps them to have the facts and utilize the downtime on the agenda for their articles.

***Public Information Table***

A suggestion was made to have packets made up for the press and bill the newspapers annually. The suggestion included reports, planning items, bills etc. monthly - all - whole packets and bills. Commissioner Stowe suggested a way to figure out the costs.

***Adjourn***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn; carried.

Attest:

Chairman of the Board

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**JANUARY 18, 1999**

**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 18, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

The following information was relayed:

Tuesday, January 19th Commissioner Stowe is scheduled for Commissioner training in Denver.

Chairman Martin attended CCI and distributed the agendas.

Judge Ossola asked the Commissioners to be involved on the new design of the First Appearance Center.

**COUNTY ADMINISTRATOR**

Ed Green gave his report to the Commissioners.

*Contract with Personnel Director*

Don and Ed met with Phyllis Lundy and Ed said that Don was working on a draft for contractual arrangements. This contract will be written so as not to exceed the level of hours for the year and leave it to her as to how to approach. It is for \$30 an hour. Phyllis has to obtain liability insurance and consider whether to change from an LLC to a Corporation. Don is addressing the indemnification.

*Accidents - Lift-Up Facility*

Ed reported that two vehicles ran into the building and in both cases the motorists were insured. Phil Vaughan was asked to do the repairs. The amount of the repairs were \$2170.

*Phone System*

Ed reported there is an evaluation team checking the traffic coming in and going out; a report should be submitted to the Commissioners within two weeks on the phone system.

*Community Service*

Guy rewrote the job description and reclassified it and it's graded in the same range as the Sheriff's Detention Officers from \$1707 to \$1954.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the reclassification with Community Services; carried.

*Drug and Alcohol Testing - Sick Leave Policy*

Personnel met and changes were made. There will be a testing agent on east and west end of the County.

*Pagers and Phones*

Ed mentioned there was concern that there were too many individual agreements for pagers and phones. Dale recommended the bundling these under one or two vendors for better administrative control.

*Copiers*

Ed said they were in the process of getting proposals from Copier Companies. To convert it from a focus on equipment to one where we would only be paying for the cost of copy paper from the company. These will be forthcoming.

*Safety - Library Systems - Copiers*

Ed mentioned there was a safety issue with the library staff having to haul their paper up and down the stairs, particularly in New Castle.

*Agenda - Implementation*

Ed said there was a discussion last week with each department head and elected officials and came to the conclusion that the earliest to convert to it was February 16 because of legal notices.

### ***Boards and Commissions***

Ed said the Formal Resolution was given to him and Barbara called all the board members and obtained the specific names and replies on what was needed on replacements. The Board directed that this be advertised. Commissioner Martin mentioned they would like this to be accomplished in February versus January.

### ***Airport***

Ed Green reported that he spent 1/2 day on Wednesday at the Airport and there are two things he found that Walt and he need to do when they talk to Nance Early. One is: they completed all the approach control electronic improvements and the only thing required is for an FAA team to come out and inspect it so it can be activated. The other thing more troublesome is in respect to applying for more grant money in the future. This year they received about \$7050 - \$8000 and the message the County has received is that we deal with the rights of airspace and ground space on both the east and west side of that runway, they are not likely to give any more grant money. This needs to be corrected and find out what they want the County to do.

### **COUNTY ATTORNEY**

#### ***Personnel Committee - changes for drug and alcohol***

Don reviewed the Resolution needed to change in line with what the Personnel Committee recommended. It provides that staff could participate in the evaluation of an individual employee to see if there was visible suspicion concerning intoxication or drug use. Don submitted a Resolution that would provide for that alteration.

#### ***Resolution - Drug and Alcohol Policy Revised***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adopt the Resolution that will amend Resolution 98-90 Drug and Alcohol Policy to the Personnel Policies.

#### ***Executive Session - Cerise Appeal BOA; Gardner Litigation in Communication; Archuleta Case***

Commissioner McCown made a motion and Commissioner Stowe seconded to go into an Executive Session to discuss the items listed by Don DeFord as above; carried.

Commissioner McCown moved to come out of Executive Session. Commissioner Stowe seconded; carried.

### **PAYMENT OF BILLS**

Sheryl Myers submitted the bills for review and approval of the Board.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the bills as submitted; carried.

### **BID AWARD: SPORT UTILITY VEHICLES FOR SHERIFF DEPARTMENT**

Mike McBreen and Deputy Sheriff Jim Sears were present and presented the bids.

Mike 6 sport utility vehicles - 4 different bidders:

Columbine Ford 1999 Explorer, \$23,482 ea. (6) \$140,892.

Glenwood Ford 1999 Explorer, \$23,637 ea. (6) 141,822.

Haines Chevrolet 1999 Blazer, \$23,050 ea. (6) 140,100.

Berthed Motors 1999 Jimmy, \$23,441 ea. (6) 146,646.

Mike McBreen made a recommendation for purchase of the 6 Blazers from John Haines at \$140,100.

These are replacement vehicles and the others will be sold on a sealed bid basis. These new vehicles will go into the motor pool and will be leased back to the Sheriff's department on a mileage rate basis.

Mike explained why the vehicles were not used for trade in -- it is due to the fact that prices were given on a government price and does not include trade-ins.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to accept the bid from Haines Chevrolet on the purchase of the six blazers for \$140,100; carried.

### **JAIL DISCUSSION**

Sheriff Dalessandri, Dale Hancock, Al Maggard and Don DeFord were present

Ed and Dale handed out the packages from Reiley Johnson that included the qualification statement.

Ed and Dale met with staff and they prioritized the items to be accomplished along with the resources.

1) waste water and water are on tract with the City of Rifle -- Dale, Bob and Mark will meet.

Mark Bean had meetings with Tim Moore from the City of Rifle and - "a can and will serve" letter will be forthcoming;

- 2) land purchase with zoning and planning - Bob Howard meeting this week and begin the process;
  - 3) evaluate site specific and view building sites;
  - 4) zoning and planning issues -- Mark said the area being proposed in the Garfield County Airport Land Development will need to deal with zoning. It is currently zoned residentially.
- Don mentioned that a review has to come through Building and Planning and the County Commissioners. A site plan is needed after Mr. Howard's land sale.
- 5) environmental study - conclusion - look at the electronic and magnetic transmissions;
  - 6) mineral rights issues are a problem as well. Who owns the minerals?
  - 7) Bob Szrot will take the lead on a soils study and an appropriate foundation. From Phase I it will be straight forward;
  - 8) access to the County Road and arrangement of the building envelope;
  - 9) Construction process - Architect/Engineer. Groundbreaking target date is June 1st. Discussion was held as to the benefits of staying with the same architect that the County has worked with for the last several years.
  - 10) under No. 3 on evaluate site specifics; construction management whether in-house or procured -- who negotiates to accomplish all of this? Ed continued saying that the staff members were looking for direction from the Board of Commissioners.

#### *Discussion on Construction Management*

Don said the architect can be the construction manager but if the same firm designs it then there is a possible conflict of interest in design and management.

Commissioner McCown commented that without some monitoring of the County's interest the County would be signing a blank check. He wants someone to look after the County's interest in this process. Mesa County Facility used a local architect. The flexibility of this current site at the Airport would allow some options. It was suggested to contact these individuals.

Dale reported that Kathy Hall, Mesa County Commissioner confirmed Roy Blythe was the design architect. Commissioner McCown said he would like to pursue some locals on the architectural phase and look at what was available.

Commissioner Stowe would like to tour the facility at Mesa.

February 8 was set as the time-frame for Architect and Construction Management decisions.

Mesa and Montrose Counties were suggested for Ed to review.

Staff was instructed to present on the direction given on February 8.

#### *Financing of the Jail*

Ed mentioned they will begin discussions with the bond attorney and Allen, Bob and Don.

Ed said on the Energy Impact Grant, the only thing needed is to change the date -- then it can be submitted. Department of Local Affairs is expecting our grant proposal. Ed said Tim Sarmo was interested and Garfield County may need to sit out a couple of cycles after receiving this funding for the jail..

CoGen Heating - Bob Szrot will be working on the transfer of heat transfer. The distance is 3600 feet. The expense of who's burying the line and the alternate sources for heat when Co-Gen is down are among the items Bob will be discussing.

Bob mentioned from a functional point of view, if CoGen works and we get enough heat, then the situation will be like a large radiator to intermingle the primary source from CoGen and secondary heating process.

On the footprint of the jail, the Sheriff will look at the close proximity to the Courthouse.

Tom felt this should be a connecting facility and the same with the County Annex. After the footprint is selected then a solid study will be the focus.

Other topics of discussion included the Road and Bridge Shop; Courts to be included in the preliminary discussions and acknowledging the letter received from Judge Ossola with respect to the District Attorney, Public Defender, private attorneys and the Probation Department.

On the Financial - Alan Matlosz/Blake Jordan was recommended.

Tom mentioned that Mesa County came in at \$25 million. Reilly Johnson Architect Firm has ensured us that the County holds the most cost effective facility design. Tom's choice is Reilly Johnson due to their prior service to the County and their professional experience.

Commissioner McCown said that Trey Holt would like a room at the new facility for autopsies.

Tom said this would be off the sally port and the cost would be minimal.  
All recommendations should be in by February 8.  
Tom commented that he will set up the tour -- a date of January 26 was determined.

#### ***Jail Count:***

Total in jail: 124. 38 main jail; 30 Work Release; 8 females; 2 Home Detention; no Day Reporting; 21 Workenders; 1 State Hospital; 24 in other jails; DOC - 0  
The new Department of Corrections Director is John Suthers -- former District Attorney in El Paso County. Former director Art Zaravas was named as head of the Department of Safety.  
Legislation was introduced limiting the states continuing to build jails in lieu of school development. The proposal includes a moratorium on new jail beds so money can go to schools.  
The confirmation hearing will be on Wednesday.

#### ***Community Corrections***

Al Maggard reported what concerns Community Corrections and some talk about combining Parole and Community Corrections to some extent. The Restorative Justice Program starts with juveniles -- it is going well.  
Al reported that on Feb. 5 & 6 there will be an Association Meeting. Al encouraged Walt to attend.

#### ***Recess***

### **COUNTY BUSINESS**

#### ***School Fence/Road and Bridge***

Ed said the 265 feet on the elementary fence next to Road and Bridge will be divided between the school and the county and they will match up to \$1800.  
Photographs before and after were asked for.

### **DEPARTMENT HEADS**

Mark Bean - Building and Planning

#### ***Request - Four Mile Ranch - Extension - Preliminary Plan Approval***

March 9, 1999 is the expiration date and a request has been submitted to extend up to one year one time. A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve a one year extension for Four Mile Ranch until March 9, 2000.  
Discussion - Chairman Martin mentioned that the City was also involved in this extension. Motion carried.

#### ***Special Use Permit - 94-111 - Savage - Timber Harvesting***

Mark presented the SUP for Joan Savage regarding a new haul route from - CR 329 to CR 320 Road. A decision was made to hear this by the Board of Commissioners in a Public Hearing.

#### ***Disassociation of property - Glenwood Springs - a De-Annexation***

Mark presented a request for a rezoning back to agricultural for Jacques Claudon.

#### ***Boundary line - Amendment of a Lot B for Wadley***

The Board said they did not have a problem and instructed Mark to proceed.

#### ***Home Occupation - Selveage***

In response to a zoning violation, this is a request from the Selveages for approval of a Conditional Use Permit.

The Board determined they would hear it without going before the Planning Commission.

#### ***Ballard Petroleum - Taking over Snyder***

Special Use Permits calls for a technical requirement to get a new Permit -- it requires the amendment of the Special Use Permit.

The Board determined they would hear this.

#### ***Operations***

Dale Hancock presented two site utilization agreements -- One is KREX lease for \$83 per month; and KQIX Television and Radio Broadcasting as regards to broadcasting from the Anvil Points site. This

affirms the terms of the lease. KQIX is for \$83/month and the other is \$110 for KREX to broadcast at Anvil Points. Dale clarified that these were renewals.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the renewals for the site utilization agreements -- one with Withers Broadcasting, Inc., d/b/a/ KREX and Mustang Broadcasting Company d/b/a KQIX; carried.

#### ***Senior Options Report - Quarterly Document***

A motion was made by Commissioner Stowe to authorize the Chair to sign a quarterly document to the Colorado Division of Housing transmitted by the Senior Housing Options Group in regard to the Battlement Mesa Assisted Living Project and identifies the amount of funds expended to date. Commissioner McCown seconded the motion. Motion carried.

#### ***Board of Social Services - Sept. 21, 1998***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to accept the Minutes of the Board of Social Services of September 21, 1998; carried.

### **HUMAN SERVICES PROFILE**

Chairperson Lisa Pavlisick of Health Beginnings and Vice Chairperson Julie Olson of Advocate Safehouse Project were present and presented the report.

Lisa requested the focus be continued on the programs.

Commissioner McCown mentioned they could do a synopsis versus a full fledged program update.

Julie Olson also mentioned that the direct provider of services enjoyed coming before the Board and it keeps communication open between the County Commissioners and Human Service providers.

Alan has been working with them on a budget presentation.

The new Human Service Directory was also presented.

#### ***Recess***

### **EMERGENCY MANAGEMENT DISCUSSION**

Guy Meyer presented the report and agreement for discussion.

#### ***Cognitive Skills Group***

An Agreement to purchase the services on a contract basis with CMC was presented.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign this contract detailing the services provided by Colorado Mountain College in the amount of \$1352.75 for Independent Living Skills Course Cognitive Education Emphasis Program; carried.

#### ***Y2K - Direction of the Board***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize Guy Meyer to draft a letter noting his concerns with the various entities and the Chair be authorized to sign the letter going out to those districts.

Motion carried.

### **CONTINUED PUBLIC MEETING: VACATION/DEDICATION COUNTY ROAD 162**

#### **APPLICANT: ADRIANNE CROUCH**

Mark Bean and Don DeFord were present.

Mark reported Ms. Crouch is in Texas due to the remodeling of her home. She advised Mark that the survey had not been done yet. She assured Mark the surveyor would get on it and he recommended a date certain of March 15, 2:00 P.M.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue until March 15 at 2:00 P.M.; carried.

#### ***CR 204 - Roan Creek - Altenbern***

Don DeFord presented that this was to vacate the existing right-of-way to the County and Mr. Altenbern would dedicate the existing right-of-way under the County road.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to set this for March 1 at 1:30 P.M.; carried.

#### ***Worksession - Remote Cabins***

Mark asked the pleasure of the Board and handed out packets of information. Commissioner Stowe was not present and the Board decided to postpone this until a later date. Mike Mello had sent a letter and it was noted for the record.

March 1 at 4:00 P.M. was set.

**PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A SCHOOL LOCATED JUST SOUTH OF THE TOWN OF CARBONDALE APPLICANT: CRMS**

Mark Bean, Don DeFord and Attorney Larry Green were present.

Don determined that adequate and timely notice was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark Bean presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Staff Packet; Exhibit D - Project Information and Staff Report; and Exhibit E - A letter from Town of Carbondale stating they "can and will serve the property with water and sewer."

Commissioner Martin entered A - E into the record.

Mark presented that this was a Conditional Use Permit to allow the siting and operation of a school on a 342 acre tract of land located adjacent to the north side of Carbondale, off of CR 106 and Delores Way. The applicant proposes to expand and operate a private college-preparatory co-ed boarding school on the property. The school had 167 students in the springs of 1997 with 107 of them boarding on the school campus. The application would allow the school to expand to handle a maximum of 250 students with 150 boarding students and 100 day students.

Larry Green explained the layout of the Colorado Rocky Mountain School as well as the proposed buildings. He noted there was one error in the staff report. The current buildings are currently in the Town of Carbondale's water system and all future buildings will be as well. He explained where there was one area on well and sewer.

The whole purpose for this was back in the summer of 1988, this school submitted a request and it was agreed that the school was not in compliance in one area. This present proposal does include the expansion projected.

Larry stated on Recommendation No. 3 - "open Hearth" - there would be no new residential open hearth fireplaces. The school has blacksmithing shops and it is also used as a training facility.

Condition No. 4 - said the school does not want to have lighting that is obnoxious lighting but there is a need for safety lighting and this needs to be clarified.

Condition No. 7 - there is a lot of pedestrian traffic and in order to address it, Carbondale has a line item for the construction of West Main to CR 106 in the year 2000 in the County's right-of-way.

Commissioner Martin suggested the school buy-in on the design and construction of the bike path.

Jim Lafrombise was present.

Commissioner McCown clarified the safety lighting and the type suggested by Larry Green would not be a problem.

Larry Green mentioned that the School would like the Board to vacate the old easement.

Recommendation:

The Planning Commission recommended APPROVAL of the application, pursuant to the following conditions:

That all proposals of the applicant made in the application and at the public hearing with the Planning Commission shall be considered conditions of approval, unless specified otherwise by the Commission.

If facilities of the school ever substantially changes from what has been proposed, then this Conditional Use Permit shall be subject to further review and subject to modification.

No new open hearth solid-fuel fireplaces will be allowed anywhere within the property. 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 outdoor lighting will be directed inward and downward on the site, such that there will be no lighting directed to adjoining properties.

All new construction will be subject to the issuance of the appropriate building permits.

Prior to the Board of County Commissioners approving the Conditional Use permit, the applicants will submit a written statement from the Town of Carbondale, stating that water and sewer service can be provided for the proposed school expansions.

That the applicant address the need for a bike/pedestrian path along CR 106, prior to the approval of the Board of County Commissioners.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

Commissioner McCown made a motion and Commissioner Stowe seconded to approve the Conditional Use Permit for the siting and operation of a school namely Colorado Rocky Mountain School with the recommendations of the Planning Commission striking Item 6 since that has clearly been done and in Recommendation No. 7 include that said school will work with the Town on ensuring adequate right-of-way for their bike path and trail at the time it's on the Town of Carbondale's budget; carried.

#### ***Jail Issue - Direction to Administrator***

Commissioner McCown mentioned the direction to Ed would be to fulfill the position of chief negotiator of items discussed and whatever negotiations take place that he bring back to the Commissioners for approval or whatever by February 8th meeting.

Ed said he envisioned having a meeting every week to communicate on these issues.

Recess

#### **AIRPORT ISSUES**

Ed Green, Don DeFord, Carolyn Dalghren, Allen Sartin, Mark Bean, Barry Hamilton, Paul Hoffman and Attorney for the Airport Authority Melody Massey from Russell George's office were present.

Carolyn Dalghren gave the background and evaluation. She said the Board Members of the Airport Authority were appointed by a Resolution that was adopted by this body in October of 1967. Copies were distributed.

That Resolution was appropriately filed with the Secretary of State as was required by the 1965 Public Airport Authority Law. At some point in the Fall of 1972, the Airport Authority made what was called a "not-for-profit" election and then called itself and was indeed a Colorado Not For Profit Corporation as a private entity. Some statutory changes were made in 1976 which changed the filing of record for such authorities from the Secretary of State to the Division of Local Government - Department of Local Affairs. This happened in 1978. Part of the reason for that change and where these entities would file their papers and be given birth certificates by the State, if you will, was due to the fact that the Airport Authority was by statute a separate political entity -- a separate political subdivision of the State of Colorado and it made no sense for a subdivision of the State of Colorado to be overseen by the Secretary of State because the Secretary of State could dissolve such an entity just on the basis of it not filing its proper reports each year or doing other forbidden acts of private corporations. The Secretary of State actually sought the change in the State Law in order to make sure that the Airport Authorities which were public entities could not be dissolved by the Secretary of State but could rather only be dissolved by the entities that created the Authority and in our case -- this Board of County Commissioners.

Our Airport Authority properly made its filing with the Division of Local Government, Department of Local Affairs and today exists as a separately constituted and properly authorized Airport Authority with the State. The problem is that we have maintained an ambiguous situation with our Airport Authority. We have a separate governmental entity which is given full statutory authority by a Resolution of this Board, however the Board of County Commissioners control the underlying fee interest of the property. We never gave the property that the Airport exists on to the Airport Authority. So we have an Airport Authority which is statutorily empowered to manage and operate that Authority but it doesn't own the property.

Furthermore the Board of County Commissioners retain by statute some other regulation by way of purse strings over the Airport and over the Airport Authority. full but BOCC control fee interest to property. Airport Authority to manage and operate but does not own the property. So as of today, we still have this ambiguous situation. Today we have some pieces of paper which have given people rights to operate and leasehold interests in the land that have been signed by both the Airport Authority and this Board of County Commissioners. We have at least one lease out there which is not signed by this Board of County Commissioners and there is arguably a lease which is an inappropriate lease because the leasehold interest has been granted by an entity that doesn't own the land fee. That's just one example of that ambiguity and the relationship that runs through the paperwork. This is something the Board needs to deal with and needs

to be made aware of. That's what needs to be discussed now -- the further ambiguity and the relationship between the Authority and the Board of County Commissioners.

Melody Massey - Stuver and George. The Board's position at this point is they want to do what's best for the Airport. They are concerned about issues that are ambiguous between the County and the Airport and would just like the Commissioners to know they will work with them in anyway they can -- in an advisory capacity if necessary or in any other way. There are some issues and goals of the Airport Authority for 1999. This was given as a handout

Melody said some of the goals for 1999 are to work on marketing and facilitating the growth of the Airport. This is a concern they would like to expand and certainly have it grow as much as possible. Also another goal is to restructure management duties and distribution of responsibilities by such management. There needs to be a specific manager or an administrator at the Airport. Another goal is to work closely with an engineering firm on the board to accomplish new communication lines with the FAA and other sources of grants. The FAA is very important and a concern -- the County knows that. They have considerable obligations to the FAA. Other goals are to study existing lease contracts for equality and legality and this is one issue that Carolyn mentioned -- to make sure that there is a standard lease for the Airport and all bases are covered. The last goal is to maintain a safe, friendly, and service oriented airport.

Some of the legal issues that are going to need to be addressed in 1999 are: Aviation Easements. There are a number of developments going up and navigation easements need to be granted by those developers. We need to come up with a standard obligation easement to protect the Airport. Another issue is the lease.

There is a specific lease that needs to be worked on right now with a specific person but some kind of a standardized lease to enter into. Also, discussions have been ongoing getting a PUD of the Airport.

Currently there is nothing and this is an issue that was discussed at the last meeting and let the County Attorney know about as well. As far as purchasing and ordering -- they would like to get a streamlined purchasing and ordering procedure. And the last goal is to improve coordination with Garfield County Commissioners and to better define the relationship between the Airport and the County.

Barry Hamilton - 0394 Mesa Drive, Rifle - Currently Chairman Pro Tem and Treasurer of the Airport Authority. He said the County Airport Authority currently has an outstanding facility at this Airport and urged the Commissioners to visit. This Airport is not as completely developed as Eagle nor as large as Walker Field in Grand Junction, but for this County and the resources put into it -- it is outstanding. He suggested visiting the Glenwood Springs Airport for the same of comparison. The Garfield County Airport has been designed from the beginning as a Commercial Airport which might someday receive airline traffic -- this is a separate issue. The County deserves great credit for the resources that they put into this Airport making it what it is and over the years the volunteers have done an outstanding job. Chuck Deschenes, previous County Administrator, had a great deal of involvement in the Airport and provided information back and forth between the Authority which was very helpful in keeping both sides informed. Since Chuck left the Authority has pretty much been on their own and have learned very quickly that actually operating the Airport, which essentially is what the Airport Authority Board has been doing since May, rather than just advising and overseeing, has required a great deal more time and resources than a volunteer board, he thinks should be expected to do. Generally, they have met the challenge and the problems of the future are the result of that. He felt many of these things have been coming for a long time. The trail of paperwork point to a need for better management at the Airport or precise management -- continual oversight, etc. from Deschenes goes back to 1987. He is happy that this is coming to a head where a decision is going to be made. In his personal opinion and thinks everyone of the Board shares this, they are interested in what is best for the Airport -- how best to make it a resource and economic engine for the County.

John Newton said he was appointed by the Board of County Commissioners. As the Authority is currently constituted (John Sample and John Newton were recently appointed). Albeit they are interested in what is best for the Airport, cost wise he thinks that experience wise the current board members make up 150 years of professional managerial and business experience. They have no hidden agendas. Whatever the Commissioner's decision is regardless, whether to continue to function as they have been appointed or they'll be happy to assist the Commissioners in a transition if that's their decision. Klaus Schattleitner is the Chairman and is out of state. John said the Authority is happy to do whatever and to be of assistance to these Commissioners and to the Airport.

Commissioner Stowe asked John Newton what he thought was the best use of the Airport.

John said he sees: 1) with his experience -- the Board is getting free of charge a number of individuals who are willing to give time, effort and experience. Having said, if the Commissioners decision is to maintain the status quo then as mentioned to Carolyn Dalghren at the last meeting, he was appalled that the



Authority didn't have better communication and liaison with the County. The name of the game is Communication. He didn't know if the Board of Commissioners receives the minutes of the Airport Authority and if so did they have a change to review them. The Board of Commissioners should be invited to their meetings or send a representative to these regular Commissioner meeting.

Commissioner McCown inquired of John saying, the system the County is currently operating under right now -- does he see that as the least cumbersome, best system for Garfield County? He added, that if he is understanding everything he's heard and what he knows about the Airport Authority, it is a legally constituted Authority with no budget or land.

John Newton confirmed that to be correct.

Commissioner McCown and from what he's heard in the past several months it is truly a voluntary board that is asked a great deal of as far as time is concerned as many of other County boards are. But yet the day to day operation of the Airport, the Board and some of the Commissioners have questioned the management of the Airport from the County-side. So now they are looking at the possibility of hiring a part-time (because of funding) and eventually a full-time manager for the Airport that would serve -- whose wishes -- the Airport Authority or the County?

John Newton said he felt it should be the same. People have listed possible complaints of conflict of interest between the Authority Board and the County -- but he personally didn't see it and felt it should be treated as separate entities. A lot lies in communication and cooperation.

Commissioner McCown said he didn't disagree but he was having a problem saying it should be the same when clearly it is structured it isn't the same. That's why we are here today is to try to see what we want to be when this Airport grows up and what's the most physically sound and practically way of getting. He commended everyone on the Board for the time served and the efforts put forth. He added he realized that there is administrative duties and secretarial duties and paperwork to fill out that they have done. Why he is asking this question -- is this the best thing for the Airport to continue to operate like this or is it best to hire a director or a manager for the Airport on a full-time basis and charge the marketing, administrating - lease administering -- all of that and have that person answer directly to this Board taking another level of government out of this process. That's what we are discussing here today. We want to know from the Authority Board members in all honesty what they think will best serve the Garfield County Airport setting aside any selfish interest or personal prejudice they may have. That's what's at stake here is what is going to happen with this Airport and what is going to best make it happen.

John Newton said they were on the same page as far as the Airport is concerned. The Board offers the Commissioners something that shouldn't be taken lightly -- the cost factors of the Commissioners fully taking it over will be something for them to consider.

Chairman Martin inquired if they were still willing to stay in as advisory?

John Newton said yes.

Chairman Martin asked if there was mixed feelings of the Authority? Or was it to save the Airport and make it the best possible.

John Newton said to make it the best possible Airport is the bottom line.

Commissioner Stowe said to make it the best possible and if they do promote it and obviously it grows and becomes commercialized, some of the fees for individuals will go up.

Commissioner Martin said identifying some of their problems such as starting out with their navigational easements is a very big issue, land use and whatever. And also putting together a PUD Master Plan and what it wants to accomplish. Again its becoming advisory and doing what has been asked of you. It's a mixed bag. Chuck wrote all the grants and we don't have that anymore. This needs to be pursued.

Commissioner McCown said he sees the Airport as a major asset to Garfield County. This Airport facility is one of the more overlooked facilities and resources that we have in the County and we've not had the luxury in the past to market that facility as it could be. Then he gets phone calls and he hears that we don't want to market that facility. We want to keep that Airport as our private little nugget that's hidden away that we can use, it's an excellent facility, it's not overcrowded, the fees are very reasonable comparable to other Airports and we kind of like it like it is.

Commissioner McCown said there was an undertow of users that want to see this facility like it is and don't want to see it grow because with growth comes the increase in development and traffic at the facility but probably price escalation to bring it comparable to other Airports. This is coming from users of the Airport.

Ed Green commented that in the years to come the County wouldn't have any choice but to see it grow.

John Newton said he felt we were already there. The bell curve is up -- fuel sales and landings are up. Eagle and Aspen tightened their fees and some aircraft are coming to the Garfield Airport.

Commissioner McCown said it comes down to a philosophy standpoint. We are maintaining our status to take diversions and so it is a passenger airport and entails more in-depth security and some other constraints that should we not be that and open our airport up to freight airport -- for the lack of a better term -- it would alleviate those constraints we are now faced with security wise. It would allow through the fence operations and expansion as long as we are not receiving any passenger service.

Barry Hamilton said we are fully open to freight now and still taking passengers.

Commissioner McCown said if he understands correctly, through the fence operations are not smiled on Federally by security constraints placed on passenger carrying airports.

Barry Hamilton said that was true but it goes further than that. Through the fence operations not properly done jeopardize Federal funding regardless of whether you have passenger service or not. He felt we were getting too technical.

Commissioner McCown said he didn't agree due to the amount of acreage provided at the Airport there are clearly constraints by the limited amount of acreage on the airport for expansion. We need to look at what's around that Airport if we are talking about developing it. We know that it can never be a mega center as long as everything takes place within the confines of that fence.

Barry Hamilton said his comment about getting too technical was in referenced to the finer points of Part 139 abrade Part 139 Limited which basically says if you're going to bring an airliner in, you have to call ahead for crash/fire rescue. That's the Limited Version. This is what he thinks is worth taking a good hard look at since we don't have regularly scheduled passenger service. The FAA has also recommended that we take a serious look at that and in the last few years and why aren't you doing this -- maintaining the full Art 8 capability which means that crash/fire rescue is a doable 24 hours a day for aircraft up to 90 feet in length, they claim it might be a liability for us and to Barry that's a point. It certainly is something that deserves greater study than it has received. As long as we don't have regularly scheduled passenger service, it might be a substantial cost savings in the Airport. If we have regularly scheduled air service then we probably should return to the ARF A or ARF B - whatever size of aircraft we are receiving requires. The point is it's not just a security issue and through the fence -- that's one of the issues and it's one that talked about a lot. Doing it properly so that in such a manner that the certifications to the FAA regarding Class with current grant assurances would be compromised and a problem. It's basically an issue that we have to certify the FAA that the economic playing field is leveled with the operators inside the fence and outside the fence now with FAA funding and doing it properly and in a manner that they would not claim we had compromised assurances. It is not impossible but difficult and at present we are not in a position to do it.

Commissioner McCown asked if Barry agreed that this was one of the options that we had better be looking at if we ever expect to grow?

Barry Hamilton agreed. His personal opinion here, because the Board has the position on this, is that we should not discount through the fence operations. We should rather say this is going to be tricky and it requires a lot of research and legal counsel. There are two arguments here: 1) no, never consider -- its too complicated and the other is that time will tell -- it is the way for airport growth is through the fence operations. Our current situation limiting in-service freight operations, we have every freight carrier in the area with two operations a day at the Airport. Are we benefiting from the public interest standpoint -- the public investment as much as we should. He didn't think so. Other than they operate pretty much with freight.

Commissioner McCown said he was thinking along if one of those freight carriers should want to put in a large terminal for receiving and dispensing of freight to the western slope area. We would be fairly limited in being able to provide those people with the property necessary for a facility like that. It would depend upon the size of their needs.

Barry Hamilton said the benefit to the public is that they would get their packages sooner.

Commissioner McCown added that we benefit from the sale of fuel but as far as increasing the number of jobs, the property tax evaluation -- no.

John Sample - 7238 CR 315 - Silt - new board member and a definite interest in aviation. He said he would be interested in serving if the Board continues along the same line and there is a real advantage of having a diversified group and a consensus and a direction to go with on the board because it is better than having one person making that decision and end up with a better decision. It is better to have an independent Board governing the Airport but we do have to have some changes made in the way the Airport Authority

works with the County as far as paying bills and legal help and planning and zoning help and navigational easements, etc. They have to have some direction and whether it becomes an authority or what from the Commissioners or if the Airport Board comes to the Commissioners and you say this is what is going to be done -- but more authority and communication needs to be implemented back and forth. John Newton invited the Commissioners out for a tour and walk the grounds.

Jack Boyd - General Manager for DBS Helicopters. They have spent about 25 years on and around airports; a lot of time as a pilot and a licensed mechanic; also an inspection authorized mechanic for the FAA and basically they spent a lot of money building a facility at the Garfield County Airport because they thought the vision was represented to be fairly progressive and represented that there was a future. It seems at this point that the Airport is mired and unable to move. It indicates direction but never moves. As a business operator this is what he sees and his indication is that he does see that it is working in its current capacity. What does seem to work in Airports in other areas does not mean it will work here is that you get the expertise as aviation is a very different environment and is one where it takes years of experience in order to understand how to deal with the FAA and the grant process. Normally, there is an advisory board used by whomever is administering the Airport. His indication is that somebody needs to take over the administration of the Airport -- not day to day operations but somebody provides good direction. We seem to be losing direction out there, somebody needs to be the group leader and provide that direction. Anyway the Board of Commissioners can promote that would be a help at this point. It's tough to get anything done but by the same token you have a volunteer board and he's not sure you can ask them to take on the project of for instance, procuring a Federal grant. This is a lengthy and difficult process and is almost a full-time process. But when it takes place it gives direction to the rest of the board so that your advisory board can help you get to the goals that you've chosen. Jack said they had been at the Airport for 2 1/2 years and came from Glenwood Airport where they were for 5 years. They made a choice for Rifle as the future for them. His last point is that somebody has to have an overall view and decide that is where the future of the Airport is going. The future plan made for the Airport -- those directions in 1993 -- were those directions done by the planning study -- was that a compilation of should and could's? Was the book closed? It indicates somebody needs to take, for various reasons, one being financial, and the Board can only be the one to handle the financial end. He added that he thinks the Commissioners need to rely on volunteers to handle the expertise they do not have. They are available and lots of them are willing to do whatever. He didn't feel the Commissioners could take over the day to day management - the County budget can not afford this expense. He suggested to work out something with the FBO because they have the manpower the County needs. If you hire an Airport Manager at this point then they can do the administrative end but not the day to day because it is 24 hours per day 7 days a week = that is 3 people or \$150,000 commitment in salary alone. He encouraged to get the direction clear and it seems at this point to be administrative. This is the ball that has been dropped. The grants are not happening. He worries as a business owner because they built a facility and now he sees encroachment happening due to a lack of agreements not being in place. They made the commitment expecting the rest of the commitment to follow. Others will look at this as well -- if we spend the money to make the original commitment, will the County protect me? He doesn't feel protected in the investment already made. Encroachment Issue -- building off the west end of the airport is a serious problem to him. The projections in the plan calls for a 400 foot extension of the west end of the runway -- did anyone look at the safety zone when you move 400 feet. He said he believes it goes over the top of a building that is going to be there and has been approved. He would like to avoid scare tactics and didn't feel it was an issue with the FAA right now. It isn't a residence so it is probably okay but it is an eyebrow heightened issue for the FAA because it can be occupied and could be a hazard if the airplane slides off the runway and goes into that area. This could raise concern with the FAA that the Airport is not protecting the grants that the FAA is putting 90% of the funds forward in doing any improvements. It is actually FAA - 90% and GARCO 10%. On the payback end if enough infringement and the FAA says that you guys haven't committed to an Airport and you now no longer meet the federal requirements, let's close the airport -- it's a substantial payback to the grant already in place to the FAA and to pay the lease holders out. He encouraged the County to protect the Airport as it is a definite asset. He added that the other thing needed to do is a PUD. Administratively there needs to be agreements in place with Silt, Rifle and the County to make sure we are protecting the investment that is there. Growth is coming and we need to be ready -- right now we are not ready. A PUD -- does anybody know where a through the fence operation is all those T's were crossed and I's were dotted on a through the fence operation, does anybody have any idea

where the taxi runs will access to get to it? Or are we going to build and worry about that later? So essentially this is what he sees from being on Airports for so long, you need to know those things before you grant a new lease to build a building. Are you going to get to the through the fence operations? Which parcels of land to build on? If a freight operator approaches, where do you tell them they can build? There is no plan and it's a bad deal.

Commissioner Martin agreed that the Airport Board did have a plan and outlines a lot of those issues.

Jack Boyd asked -- Did we publish the plan?

Commissioner Martin said this falls on the Board.

Attorney Melody Massey spoke on the issue of the navigational easement and said they are drafting this. The timing on this is fairly quick. They need to enter this with the developer Jimmy Sills. They are trying to use a form from the FAA for this navigational easement. They have questions about height and may need direction from County as far as height restrictions and things like that. The County Attorney's have not been involved in drafting this particular easement. She asked if anyone had any ideas. Melody said a few of the navigation's easements that she has not drafted but have been drafted have the sea level of 5,550 feet and they decided that is not enough for them and need to have something to protect the Airport better. This is an issue that needs to be dealt with as well. She had a Draft Easement with her and said now airspace above the grantors property to what height? They are not sure what that should be and need to figure this out. The County may want to be involved in this as the lien holder.

Commissioner Martin said he felt the Board should go ahead and direct staff and this is one of the issues to be discussed in the requested Executive Session and get back through Carolyn Dalghren of the County Attorney's office with those answers. In the meantime the Airport Board needs to go ahead and formulate all those and send them to the Commissioners so they can answer.

Allen Sartin commented that when he first came on board this was an early problem. They created a separation between Garfield County and the Airport Authority and treated them as a separated legal entity for the 1999 budget. The County has begun to deal with these issues where commingling and uncertainty about the relationship and clearly reflected in the financial arrangements between the two entities. There are other management related issues ownership such as: ownership of the land and what that does to the process; the nature of the management at the Airport and how the Authority is going to handle or the Commissioners. There are some serious problems that need to be addressed in terms of the management functions and that's not to say that the FBO is incorrect, but the broader administrative management that needs to happen; setting direction for the Airport itself; making sure that the financial plan matches the long term strategic plan of the Airport. These are things the County should be moving towards -- whether it stays an Authority or becomes an entity within the County.

Chairman Martin mentioned they would have discussion in an Executive Session and then everyone would be informed. He suggested to set up another joint meeting - 3rd Wednesday of February 17 at the Airport - 7 PM. He mentioned a representative would attend that meeting and explain what the actions taken as well as the communications to the County Attorney on other issues.

#### *PUD - Master Plan*

Chairman Martin said the PUD is a recommendation of the Authority Board to bring it forward to the Commissioners for support. He added that he personally needs to review the Master Plan already in place. There are about 20 issues in front of the Board on this that they need to resolved.

#### ***Executive Session -- Discuss Options***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an executive Session to seek advice from counsel on the Airport Issues; carried.

Carolyn Dalghren, Mark Bean, Don DeFord, Allen Sartin and Ed Green remained for the discussion.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

Chairman Martin said they need to go ahead and schedule a follow-up meeting for the Airport Issues - February 1, 1999 at 2:15 P.M.

### **ROAD AND BRIDGE DISCUSSION**

King Lloyd and Mark Bean were present.

#### ***Use of Scales at Landfill***

King explained that scales would weight on a per cubic yard basis and submitted a letter to Ed Green with some recommendations.

Mark said a decision could probably be made when the budget comes around next year.

King said commercial haulers will go to a scale rate.

Discussion was held with regard to compaction and non-compaction issues and rates and how each will be charged.

King will be coming to the Board with a recommendation. A scale pay basis will most likely be his recommendation.

#### ***On-Going Projects - Update***

King Lloyd submitted documents that he referred to as a preliminary work sheet containing information about ongoing projects in Road and Bridge. He added that the big items at the Landfill project will be completed on schedule. The NMOC Federal Emissions Report at the Landfill has been completed and sent to the State.

#### ***South Canyon Bid - Bridge Repair***

King reported on the bridges to be repaired; the South Canyon Bridge has gone out to bid.

Commissioner Martin mentioned there was a lot of money available or else the JBC was going to put it back into the general fund even though it came out of the Highway Users Fund. Any County or Municipality that has a bridge fund replacement grant but who doesn't have everything in place within the next 90 days has to return the money. At that point we have another year and one-half to get the grant any again. He asked King to follow up on that cycle to see if Garfield County has any bridges that qualify. King mentioned he had two grants with them at the present time.

#### ***Stevens Hills***

King reported that Bob Szrot is gathering data at this location.

Commissioner McCown asked if the 4/99 date would work well with the runoff. He would like to get all the landowners involved.

King will advise them.

Don DeFord is updating the design build contract.

Ed Green agreed to check into this.

#### ***Tarp Law***

King mentioned that the Tarping on County Roads requirements have to stay in place and there are no exemptions.

### **PUBLIC HEARING: SPECIAL USE PERMIT TO ALLOW INDOOR/OUTDOOR STORAGE AND CONDITIONAL USE PERMIT TO ALLOW HOME OCCUPATION. PROPERTY LOCATED AT 508 COUNTY ROAD 225, RIFLE, CO APPLICANT: KEVIN RUNIA**

John Barbee, Don DeFord and Kevin and Mrs. Runia were present.

Don determined that adequate and timely notice was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John Barbee presented the following Exhibits for the record: Exhibit A - Green returned receipts; Exhibit B - Publication Notice; Exhibit C - Staff Report and Attachments.

Chairman Martin admitted Exhibits A - C into the record.

John Barbee presented that at the October Planning Commission Meeting, they voted unanimously to APPROVE the Special Use Permit for indoor and outdoor storage with staff's 12 recommendation.

This is a request for review of a Special Use Permit on a 12.048 acre property generally located 2 1/2 miles west of Silt, north of I-70.

The application is requesting to run a mobile tire service from his home. The application indicates that an existing 1,500 square foot storage shop to store materials and equipment as may be needed for off-site tire repairs.

Recommendation:

Staff recommends APPROVAL with the following conditions of approval:

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 Special Use Permit shall be issued when all conditions are met, and shall expire 180 days after issuance unless the operation has begun. Extensions can be granted by the Board of County Commissioners.

The applicant shall obtain approval and periodic inspection by the Rifle Fire Protection District, for compliance with any applicable regulation regarding the storage of combustible material.

The applicant shall pay \$250 for a conditional use permit.

The applicant shall be limited to a commercial enterprise which is consistent with the definition of Home Occupation as defined in the Garfield County Zoning Resolution of 1978, as amended.

The applicant shall sign an agreement with Garfield County granting access to the subject property for inspection to ensure conformance with the conditions of the conditional and special use permits.

That the permits issued are specific to the use described in the application and are limited to use by the applicant. The permits shall be deemed invalid if the property changes ownership or if the use is substantially changed.

That the applicant provide proof of adequate emergency water for fire suppression to the satisfaction of the Rifle Fire Protection District, and the County.

That the applicant remain in compliance with any federally mandated requirements regarding the storage, discharge, or release of known toxic or nontoxic materials which may be associated with the use.

That the applicant is limited to the operation of a single repair truck at any given time which is operated for business purposes, of which the truck may be one (1) of no more than three (3) vehicles in a fleet which are entirely devoted to the operation of business.

The applicant shall be limited to 2,000 square feet of out door storage. Said storage may not consist of more than 500 square feet devoted to the storage of tires. Said storage of tires may not be stacked more than six (6) high, or attain a height in excess of nine (9) feet.

Any expansion of the use as indicated in the application shall only be undertaken following approval by the Board of County Commissioners.

Don DeFord commented on Recommendation No. 3 saying from a legal perspective there was a need for specifications of staff as to the regularity of the inspections -- no violations or enforcement could be made unless it is specific as to when these inspections have to occur. In Recommendation No. 8 the Board of Commissioners do not have the legal authority to turn over to the Rifle Fire Protection District the terms and any condition -- the Commissioner have to specify that. So, at this point he said they should go with what the Rifle Fire Protection District is going to require in terms of water storage and then put that in the Conditions. And on No. 7, Don asked why they wanted to make these permits personal instead of going with the land -- this has not been the policy of the County heretofore.

John Barbee mentioned this was a commercial operation and this is a legitimate condition of any industrial operation in that zone district even if it's with a special use. His concern is growth in the A/A/RD Zone District -- this will alleviate some potential conflicts in the future.

Don mentioned this hasn't been the policy of the County heretofore and secondly the applicant needs to understand that this is imposed if there is any sale of this property, that whatever is on the property pursuant to the conditions that this permit has will have to be removed otherwise it would be violation.

Don further explained to the applicant that whatever is allowed under this permit cannot be sold with the property under these permits. A new business would need to reapply. The building could stay, but the use of it as storage or whatever would need to be re-permitted.

Commissioner Stowe so moved to close the Public Hearing. Commissioner McCown seconded. Motion carried.

Commissioner Stowe moved to grant the Special Use Permit to allow indoor/outdoor storage and the Conditional Use Permit to allow for a Home Occupation for Kevin Runia with the Recommendations, however on Recommendation No. 3 as Don DeFord explained to tie down the instructions and a that the County obtain a letter from Rifle Fire Protection District stating what is adequate for fire suppression in No. 8 -- and if the owners have no objection then leaving No. 7 as is.

Kevin Runia stated he did not have any problem with that recommendation.

Commissioner McCown seconded.

Discussion

Don clarified the time period on the regularity of the inspections -- he asked the Commissioners to specify.

Commissioner McCown added "annual is minimal and if Rifle District deems more is needed, then that would be implemented."  
Motion carried.

**PUBLIC MEETING: SUBDIVISION EXEMPTION TO CREATE TWO (2) LOTS OF 13 ACRES AND 48 ACRES MORE OR LESS ON A PROPERTY LOCATED APPROXIMATELY FIVE MILES NORTH OF NEW CASTLE ON CR 241 ON EAST ELK CREEK -- APPLICANT: JOAN SAVAGE**

John Barbee, Don DeFord and John Savage for Joan Savage were present.

Don determined that this was a public meeting and timely notice was in order and advised the Commissioners they were entitled to proceed.

John presented this was an exemption from the definition of subdivision on a 58 acre tract of land. The application would be subdividing the acres into two exemption parcels of 13 and 45 acres. He included in his report that an impact fee of \$373.82 was added.

Recommendation:

Staff recommends APPROVAL with 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 lot, 25 ft. wide 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 Site Acquisition Fees for the creation of the exemption parcel.

That the following plat note shall appear on the Final Exemption Plat:

noxious weeds is the responsibility of the property owners." "Control of  
"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." "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."  
boundaries."

"Garfield County has a *Right-to-Farm-and-Ranch* regulation, which  
recognizes the important contribution agriculture makes to this County. Nuisance complaints  
made against customary and legal agricultural operations and practices will not be pursued."  
centralized water and/or sewer system, the subject property owners shall be required to connect to  
said service and remove any existing well head(s) and individual sewage disposal system(s) which  
may be located on said on said property, within one year of the effective date of service  
availability."

"All residential construction shall be consistent with the  
Colorado State Forest Service (CSFS) recommendations for construction of homes contained in  
the CSFS publication "Wildfire Protection in the Wildland/Urban Interface" and "Model  
Regulations for Protecting People and Homes in Subdivisions and Developments."

"That the applicant, a

Prior to the approval of an exemption plat, the applicant will demonstrate that the spring will meet 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 draw down 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) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, suspended solids and nitrates.

7) If the spring is to be shared, a water sharing agreement will be filed with the exemption plat that defines the rights of the property owners to water from the spring.

That the applicant, and any future property owners of said property agree to, as a condition of future continued approval of the special use permit, that if, in the future event that the property described by this special use permit, has the reasonable ability to connect with any municipal or centralized water and/or sewer system, the subject property owners shall be required to connect to said service and remove any existing well head(s) and individual sewage disposal system(s) which may be located on said property, within one year of the effective date of service availability."

#### Discussion

Richard Terrell asked a question on the fire mitigation condition.

Chairman Martin stated in the fire mitigation it means you have to have defensible space and is specified as to how to protect your dwelling with the spread of wildfire.

Commissioner McCown moved to close the public meeting. Commissioner Stowe seconded. Motion carried.

Commissioner McCown moved to approve the exemption from the definition of a subdivision for Charles Terrell with the issues listed under D "issues and concerns" and Items 1 - 7 be implemented in the approval and add No. 8 which would supplement the condition under the defensible space. The Impact Fee was included as listed as No. K under the "issues and concerns."

Commissioner Stowe seconded the motion. Motion carried.

### **PUBLIC MEETING: SUBDIVISION EXEMPTION TO CREATE THREE (3) PARCELS OF 16, 11, AND 11 ACRES, MORE OR LESS, AT A PROPERTY LOCATED ON HOLMES MESA, THREE MILES SOUTH OF RULISON ON CR. 301. APPLICANT: JOAN L. SAVAGE**

John Barbee, Don DeFord and John Savage were present.

Don determined that notification was in order and advised the Board they were entitled to proceed.

This is a request for exemption on a 35 plus acre tract of land located approximately 7241 CR 301, Holmes Mesa, Rifle, Colorado.

The parent tract of land is to be subdivided into (3) parcels of 16, 11, and 11 acres.

#### Recommendation:

Staff recommends APPROVAL with 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 lot, 25 ft. wide 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 Site Acquisition Fees for the creation of each of the exemption parcels.

That the following plat note shall appear on the Final Exemption Plat:

"Control of noxious weeds is the responsibility of the property owners."

"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."

"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 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."

"Garfield County has a *Right-to-Farm-and-Ranch* regulation, which recognizes the important contribution agriculture makes to this County. Nuisance complaints made against customary and legal agricultural operations and practices will not be pursued."

"That the applicant, and any further property owners of said property agree to, as a condition of future continued approval of the special use permit, that if, in the future event that the property described by this special use permit, has the reasonable ability to connect with any municipal or centralized water and/or sewer system,



the subject property owners shall be required to connect to said service and remove any existing well head(s) and individual sewage disposal system(s) which may be located on said on said property, within one year of the effective date of service availability."

"All residential construction shall be consistent with the Colorado State Forest Service (CSFS) recommendations for construction of homes contained in the CSFS publication "Wildfire Protection in the Wildland/Urban Interface" and "Model Regulations for Protecting People and Homes in Subdivisions and Developments."

Prior to the approval of an exemption plat, the applicant will demonstrate that the well will meet 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 characteristic
- 3) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down 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) The water quality be tested by an approved testing laboratory and meet State gu

The application shall abide by the NFPA 299, Standard for Protection of Life and Property from Wildfire recommendations as it relates to driveways.

- a) All driveways shall provide a minimum unobstructed width of 12 ft (3.7 m) and a minimum unobstructed vertical clearance of 15 ft. (4.6 m).
- b) All curb cuts at entrances to driveways or other private ways shall be of sufficient width to permit safe travel by emergency vehicles at alltimes of the year.
- c) Turnouts shall be designed and constructed every 400 ft. (122m) along the driveways length.
- d) A turnaround shall be provided at all building or structure sites on driveways over 300 ft.
- e) Where applicable, all driveways shall conform with NEPA 1141.

John Savage submitted a revised plat showing the lots laid out better. He explained the changes. This leaves the irrigation ditches on one parcel.

Commissioner Martin asked that the copy of the well permit with water rights allocated to it be on file with the staff. He also clarified that John Savage has a copy of the adjusted lot lines.

Mr. Habermann - mentioned he was basically curious about how these things come about and what his options are for the future. Concerned about irrigation ditches.

Chairman Martin clarified that Mr. Habermann should clarify the water rights allocated to his property.

John Savage mentioned to Mr. Habermann that his property would not qualify for the exemption process. He explained what that meant saying the County has regulations that allow properties that are more than 35 acres as of 1972 to do a one time split and do as many as four parcels. What this does -- the property his came off of -- has not been split four ways. So if Mr. Habermann wants to subdivide his parcel, it would be a full subdivision and is different in content.

John Barbee offered to go over the procedure with Mr. Habermann.

Commissioner Stowe moved to approve the request for the subdivision exemption for the Joan Savage property as presented by staff with the correction of Section 5.4 "the applicant shall submit \$200 each in School Site Acquisition Fees for each of the parcels to be approved" and to note the correction made on the realignment preliminary plat as submitted.

Commissioner McCown seconded. Motion carried.

**PUBLIC HEARING: SPECIAL USE PERMIT TO ALLOW PLACEMENT OF A SINGLE FAMILY DWELLING IN A FLOOD PLAIN ON THE PROPERTY LOCATED AT LOT 10, BLOCK 7, RIFLE VILLAGE, SOUTH SHOTGUN STREET, SOUTHWEST OF RIFLE. APPLICANT: ARMANDO SANCHEZ**

John Barbee, Don DeFord, Mike Dow Rippy, Carbondale Unique Real Estate and Armando Sanchez were present.

and were present.

Don determined that adequate and timely notice was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John Barbee presented the following Exhibits for the record: Exhibit A - Green returned receipts; Exhibit B - Publication Notice; and Exhibit C - Staff Report.

Commissioner Martin admitted Exhibits A - into the record.

John stated this is a request for review of a Special Use Permit to allow construction of a single family home within a Floodway on .80 acres.

The applicant is requesting placement of a manufactured unit within an established subdivision.

Recommendation:

Staff recommends APPROVAL with the following conditions of approval:

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 Special Use Permit shall be issued when all conditions are met, and shall expire 180 days after issuance unless the structure has been constructed. Extensions can be granted by the Board of County Commissioners.

The lowest floor of any habitable portion of any proposed structures are to be constructed one (1) foot above the maximum water surface elevation of the 100-year flood event. Prior to final inspection, the applicant will submit a finished elevation certificate signed by a licensed surveyor, to ensure that all corners of the foundation are at least one (1) foot above the 100-year flood event.

That all construction will also be consistent with the recommendations of HP Geotechnical Engineering Inc., noted in their November 25, 1998 report. That the engineer verify that all excavation and foundation bearing strata were observed and that no changes were necessary prior to the foundation being poured.

Commissioner McCown moved to close the Public Hearing. Commissioner Stowe seconded; carried.

Commissioner McCown moved to approve the Special Use Permit to allow placement of a single family dwelling in a flood plain for Amando Sanchez with the staff recommendations 1 - 4 noting the importance on Condition No. 4

Commissioner Stowe seconded; carried.

**PUBLIC HEARING: SPECIAL USE PERMIT TO ALLOW AN ACCESSORY DWELLING UNIT ON THE PROPERTY LOCATED AT 188 LARIAT LANE, TELLER SPRINGS SUBDIVISION, GLENWOOD SPRINGS. APPLICANT: GIB AND LEE PLIMPTON**

John Barbee, Don DeFord, Gib and Lee Plimpton were present.

Don determined that adequate and timely notice was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John Barbee presented the following Exhibits for the record: Exhibit A - Green returned receipts; Exhibit B - Publication Notice; Exhibit C - Staff Report with attachments.

Commissioner Martin admitted Exhibits A -C into the record.

John stated that this is a special use permit to allow placement of an accessory dwelling unit on a 9.851 acre tract of land in Teller Springs, Lot 19.

The proposal would designate an existing residential unit as the accessory unit s the accessory dwelling unit which is under 1,500 square feet and would allow for a new detached primary dwelling unit. The parcel will use an existing Teller Springs tap and utilize individual sewage disposal systems. Access will be directly off Lariat Drive.

Recommendation

Staff recommends APPROVAL, with the following conditions of approval:

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.

A building permit be approved prior to any regulated construction of the primary dwelling unit.

That the applicant, and any future property owners of said property agree to, as a condition of future continued approval of the special use permit, that if, in the future event that the property described by this special use permit, has the reasonable ability to connect with any municipal or centralized water and/or sewer system, the subject property owners shall be required to connect to said service and remove any existing well head(s) and individual sewage disposal system(s) which may be located on said property, within one year of the effective date of service availability."

Commissioners Stowe moved to close the Public Hearing. Commissioner seconded; motion carried. Commissioner Stowe made a motion to grant the special use permit to allow the placement of an accessory dwelling unit (primary dwelling unit) and the existing dwelling will be terminated for Gib and Lee Plimpton with staff's 3 recommendations correcting the mileage to Glenwood. Commissioner McCown seconded. Motion carried.

## **RAIL CORRIDOR PUBLIC FORUMS PROGRESS, CIS RFRHA UPDATE RESOLUTION/AGREEMENT**

### ***Executive Session - Confidential Correspondence - Rail Corridor.***

Commissioner Stowe moved to go into an Executive Session and Commissioner McCown seconded; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

## **UPDATE**

Victoria Giannola, Walt Brown, Roger Millar OTAK, George Roussos Eagle County Engineer; Tom Newland; Mark Bean and Dave Sturges were present.

Tom Newland with RFRHA and Roger Millar with OTAK provided the updates to the Commissioners. Roger Millar Consultant - Deputy Project Manager -- mentioned he has talked to staff and would like to get a Resolution from this Board. RFRHA closed on the deal 18 months ago on the right-of-way and it was agreed to complete the study within the two year period. In June 1999 RFRHA will have the conclusion. The Study consisted of three things: 1) Corridor Investment Study - a planning study to determine the feasible of rail; 2) A draft environment study to obtain environment clearances and 3) A comprehensive study.

1) The Corridor Investment Study started with the public involvement process holding meetings in three various locations in Garfield County; one in Pitkin County and one in Eagle County. There was about 50 ideas. For six months four different task forces worked to funnel things down from 50 to one alternative. They ended up with six alternatives that deal with both Trail and Transportation - rail and bus. In December of 1998 RFRHA met with each of the task forces to advise them of the technology they preferred to go into the study against the no-built/improved bus and which alignment they preferred. The four task forces all said it should be rail -- the bus way didn't make sense -- and in the lower valley they determined that the line should go through Carbondale and the mid-valley task force determined that the highway/rail alignment should come out at Catherine's Store and serve both El Jebel and Basalt; and the upper valley task force voted 10 - 8 that the rail alignment should stay in Woody Creek. This is the recommendation that went through the citizen's task force to the regional task force and then to the policy committee and Board. The RFRHA accepted that recommendation with the exception of the Woody Creek alignment (they were concerned on the close vote among other things) and what came out of the policy committee and board meeting on December 18 was ***Rail on Alignment C*** and there would be a meeting in early January in the upper valley when the policy committee would tour the area and make a recommendation as to where it should cross. On January 6 that meeting was held and they voted 6 - 3 with one abstinence for the lower Gerboz crossing which crosses just as you come out of Snowmass Canyon over to the highway side of the river and continues up the highway to Brush Creek Road.

Various reviews need to be completed in order to get the final document to the public by the end of May 1999. Tonight at 7 P.M. in Glenwood Springs at RE-1 is the first of these meetings where they will be reviewing and refining the definitions of the alternatives -- feeder bus systems, routes, and improved bus service; some video on diesel multiple rail systems and video that compares rail and bus systems in other parts of the world. The Trails Committee meeting tomorrow evening and on January 28 they will convene their access task force.

One of the things decided was to go out to the various governments in the valley and update on where they have been, obtain advice and counsel as to what they should be looking at when they go forward.

Therefore, the purpose of today's meeting.

In February they will be looking at design in the communities as it relates to the three alternatives and on March 13 there will be a decision making conference at the Hotel Colorado to discuss and make a recommendation on what documents to put to the public. In April after reviews, the policy task force will meet and approve the DIS and release it.

Commissioner McCown inquired with \$85 million in the pot; \$125 million in construction cost and acquisition costs, there is a \$40 million shortfall -- what do they anticipate as a funding source? Roger said the T-21 was passed last summer and \$85 million is in the pot from the federal government. The rail project has \$40 million on this list. The key is local support and this is what the federal government is looking for.

Roger said they were looking at how to lower the costs; the other thing is -- does going back to the original alignment versus Alignment C, save money; and another is -- can you phase the project; and can we find additional revenues through state and local resources.

The agenda for February 1st is to draft a model resolution. Therefore, they would like to know where each government is and what they want RFRHA to consider. They would prefer to know now than after the fact. Dave Sturges offered several comments for public input. His focus was on the lack of honest communication and his belief that every local jurisdiction and one government entity will not solve their problems without impacting others. He stressed this is a regional issue. The overwhelming costs and where to obtain the funds is of prime concern. He strongly encouraged a workshop.

Chairman Martin summarized that the issue facing this Board is the overpowering costs and where will we get the revenue to go ahead and participate if Garfield County does. These are some of the issues that the Commissioners struggle everyday -- there is a struggle just working on an engineer let alone for the millions of dollars it will cost Garfield County to go ahead and do things. Therefore, the Commissioners must be convinced and make the very best decisions on expenditures of money. It is a tough issue and they realize the impact this has on every citizens and each community. Therefore he again stressed that nothing is being done maliciously but trying to take care of what this County has which is to continue to programs in place. He added that this Board will be open to communication but the driving force is the overwhelming costs for this project.

### ***Adjourn***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn until 9:00 A.M. Tuesday, January 19, 1999.

Attest:

Chairman of the Board

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**JANUARY 19, 1999**  
**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, January 19, 1999 with Chairman John Martin and Commissioners Larry McCown were present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**WORK SESSION - REMOTE CABINS**

Mark Bean presented the continued subject of establishing guidelines within the Subdivision Regulations for Remote Cabins.

Jim Leuthueser, Art Hougland, Don Owens and Mike Mello were present.

Mark gave a brief summary saying the purpose of this discussion is to create a system that will acknowledge a different type of structure basically a temporary or occasional use residential structure. This needs to be definable and have certain standards that the Building and Planning Department could go to that was not ambiguous.

Commissioner McCown mentioned in definitions in this whole concept would cause both the Commissioners and the Building and Planning Department problems -- remote and accessible only by a 4-wheel drive -- seasonal use.

Mark mentioned that the intent of these remote cabins can vary as well as to the number of months being used and possibly have a five year inspection to verify the same structures are there and haven't been modified.

***Sanitary Systems***

Art Hougland brought up the subject of sanitary systems.

Commissioner McCown added that leach fields are not inspected within the Uniform Building Code on a regular basis to see if they fail.

***Fire Mitigation***

Mike Mello mentioned that fire mitigation is the responsibility of the owner. He understands that the fire department could not get to a remote cabin in a timely fashion.

Art Hougland will check into the Urban/Wildfire Interface to see if it is still published.

***Square Footage of the Structure***

Mark suggested 1,000 square feet and anything beyond this would exceed the remote cabin permit.

***Occupancy***

Commissioner McCown suggested that a period not to exceed 6 months per year would also be a qualifier. He suggested to leave this flexible for the owner to determine.

***Foundation***

This should not be below the frost line.

***Heating Requirement***

Mike Mello offered suggestions for heating requirements that a wood burning stove without a complete forced air unit, propane bottles, etc. and there was no need to maintain 70 degrees at 3' off the floor in every room of the house.

Commissioner Martin stated that this should be proposed in the application and at that point guidelines from spark arresters, etc. if it's a wood fire system; solar heat; these should identified with safety factors but not necessarily under the UBC guidelines.

#### ***Kitchen Requirements***

Mike Mello asked why go through all the plumbing requirements of hot and cold water?

Mark said no appliances were included in the UBC requirements for a final inspection.

These cannot be required -- hot and cold water not required; stove and refrigerator not required.

Water source -- hauled water acceptable but identified.

#### ***Bathroom***

Must meet the health standards and can either be engineered from compose to port-a-potty's and accepted by the Building Department. A leach field engineered or hook up to a septic system if available.

Chemical toilets were determined to be acceptable.

#### ***Deed Restrictions***

Commissioner McCown mentioned in keeping with a recreational cabin, then when sold a deed restriction means that some type of waste treatment system would need to be maintained and follow the guidelines as the original builder. Once remodeling has occurred and a UBC has been obtained, it's no longer a recreational cabin -- it's a full blown house. Then the deed restriction goes away.

#### ***Bonding***

Commissioner Martin said there has been discussion on the bonding issue.

Commissioner McCown added that he has a problem with this and gave the example that the County would have legal recourse by legal methods. If the builder is required to post the bond to tear down a cabin he has personally built on his property, remove it and restore the land back to the original condition -- he would balk.

Mark mentioned the County has the ability to go in and require someone to upgrade and get the appropriate building permits.

Commissioner McCown said the County may be placing a restriction that for all practical purposes is impossible to handle.

#### ***Certification***

A suggestion was offered that if the certification was required every five to ten years, then it should take care of being able to see what was going on and no need for a bond.

Mark was directed to come back before the Board with a proposed Resolution.

Don was asked to jot down any problems he sees.

Commissioner McCown moved to continue this discussion until February 8 at 3:30 P.M. since

Commissioner Stowe was unable to be present at today's meeting.

Chairman Martin stepped down as Chair to second the motion; carried.

#### ***Adjourn***

A motion was made by Chairman Martin and seconded by Commissioner McCown to adjourn.

Motion carried.

Attest:

Chairman of the Board

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**FEBRUARY 1, 1999**  
**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 1, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**COUNTY ADMINISTRATOR**

Ed Green gave his report that consisted of the following:

***Personnel Director***

Phyllis Lundy and Ed have worked out the details on her contract.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Human Services Agreement as presented; carried.

***Taugenbaugh Remodel on the Interior - Social Services and Public Health***

Ed mentioned the bid was higher for the remodel on the interior of the Taugenbaugh than he expected but it is reasonable -- about \$15,000 more. Some of the funds are from the state and it cannot be held over. The scope of the work includes massive remodeling on the 3rd floor for Social Services and Public Health. A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a contract with Phil Vaughan Construction for \$129,918; carried.

***Modular Space - Available - Potential Annex***

Roy Staneck and Bill Guess presented their offer for the building office space currently directly across the street at the corner of 8th and Pitkin that will be available when they build their four story office building recently approved by the City of Glenwood Springs.

Roy explained there were three different designs for this modular for business purposes and went into detail as to what those were. He added that they anticipate an April date of starting their foundation.

Additionally, Roy summarized that this was a meeting today to determine if the County had any interest in this space.

The Board determined that at this point since they are not sure what departments would be moving with the jail to the new Airport land and they could not commit.

***Fire Meeting - Update and Report***

***Update on the Fire Meeting - Grand Junction***

Marian Smith reported they plan to continue the work that they were doing. BLM, under the National Fire Policy recently out of Washington, is looking at the entire picture of fires. They plan to develop Polygons which will be A, B, C and D -- A being any kind of a fire; B is probably the same way; the C and D is the mapping process will be some prescribed and let-a burns policies. They are still working on C & D's Policies. Grand Junction is not as far along as White River -- Marian attended a White River Meeting this last week with BLM.

***Club 20***

Marian Smith reported they are still looking for an Executive Director and there is a meeting this week to review the applications.

***Executive Session - Personnel Sessions***

A motion was made by Commissioner McCown to go into an Executive Session. Commissioner Stowe seconded. Motion carried.

A motion was made to come out of Executive Session by Commissioner Stowe and seconded by Commissioner McCown; carried.

***Administrator's Report - Continued***

### ***Colorado Inner - Mountain and Fixed Guideway Authority - Commitment of \$9,000 - Tabled***

Ed mentioned the request for \$9,000 for dues. He explained that there was no money in the budget committed. This is to build the fixed guideway from the Airport to Grand Junction.

Chairman Martin was the representative.

Commissioner Stowe wanted to table this.

Commissioner Stowe made a motion to table this issue for further discussion the payment of the \$9,000 for the Fixed Guideway. Commissioner McCown seconded. Motion carried.

### ***City Council/Garfield County Meetings***

David Hawker - City Council of Rifle has requested joint city/county meetings the same as the Board meets with the City of Glenwood Springs.

A date was set for Feb. 24 - 6 P.M.

Ed mentioned Ed, Mildred, Dale, Mark and Don should attend.

### ***Model for Task Agreements - Architects***

Ed mentioned he had been working with Chuck Brenner to develop a standardized Task Agreement Model to be used for other Architects.

### ***I-70 Guideway***

Commissioner Martin discussed Garfield County contributing \$9,000 toward this study.

A decision was made to postpone until a later date as there wasn't money in the budget to proceed.

Additionally, Commissioner Stowe requested additional information.

### ***Communications Authority***

Ed mentioned that the County bill for Emergency Services - letter - 1/19/99 - defer until after Feb. 15

Direction

Commissioner McCown mentioned that we should allow them to operate the first year free of rent as it was not budgeted.

### ***Battlement Mesa Assisted Living - Electronic Funds Transfer***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the electronic transfer of funds for \$7,208 as a pass through; carried.

## **PAYMENT OF BILLS**

Barbara Brown presented the bills and payroll for approval of the Board.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the bills and payroll as presented; carried.

## **JAIL DISCUSSION**

Sheriff Dalessandri, Dale Hancock, and Don DeFord were present.

Update on the Jail:

Ed reported that he had met with the FAA to discuss the 40 acres planned as a purchase from Bob Howard.

They also discussed the assurance that through the fence operation was feasible.

Nance Early the head of FAA explored the options with Ed on the specific guidelines. The costs of operation outside the fence has to be the same as the cost to the users inside the fence. This is critical because it relates to whether we can procedurally acquire the 40 acres on the jail site.

Some sort of active security has to be accomplished probably electronic to prevent unauthorized encroachment on the Airport grounds. There has to be limited access through the fence and they decided on no more than 2 access points onto the field and operations outside the fence have to be controlled so that they don't interfere with Airport operations. So with these caveats Ed called Bob Howard and informed him it was a possibility and told him of the constraints. Bob didn't have a problem with that. Therefore, this is not a impediment to anyone moving forward with the land procurement.

The Survey - Sam Phelps has provided his anticipated costs for conducting the survey and these should be ready in about one week. Ed asked to schedule something next week with the Board to do a site walk through. The survey will be necessary to include what the mineral rights are as well.

In the discussions with Bob Howard, there may be a possibility of some reconfiguration so that the County could obtain some more frontage along the county road.

Title Insurance - this will require Sam Phelps' survey prior to obtaining this.



Pre-Annexation Agreement - Don, Dale, Ed and others met with representatives of the City of Rifle and Bob Howard last week to develop this agreement. Lee Leavenworth has to draft the outline for that agreement. Some of the features of this agreement will need to be dealt with such as zoning issues, easement issues, extension of water, sewer and fire protection services -- there is a host of things the three parties have to work out in this tri-party agreement.

Site Planning - There is a need to develop a site plan for the 40 acres the County is about to acquire plus there is an important need associated with Bob Howard's development as well and in addition to that the site plan documents for the Airport. In the FAA discussions they relayed that we update those in concert with the site planning that needs to be accomplished throughout that area.

The Soil Bed Studies - These are expected to be completed in the site planning and in discussions with FAA they suggested that they could provide a listing of firms that might be appropriate for that; Ed obtained the list and there are a few firms on that list that seem versatile enough to do site planning in all three venues. Ed will call some of the firms and see if they are ones that could do the entire site planning. The alternative is that Bob, Dale and Ed discussed the fact that perhaps this could be divided if one firm can't do everything.

The Architect Reilly/Johnson has been retained in the past to prepare designs for the jail sites in Glenwood. Ed visited the Mesa County Jail and this week he had discussions with the gentlemen that were involved in the design. He said he had also had discussions with other AE Firms that are interested but based on this if the County decides to compete with the design there would be several expressions of interests. The key question is -- do we have the time?

Ed asked which direction the Board wanted to take.

Tom Dalessandri suggested having Reilly/Johnson come in and present what he's thinking.

Chairman Martin agreed that the Board should have Reilly/Johnson come in and give a presentation.

Ed was directed to contact Bob Johnson and schedule a meeting.

Commissioner Stowe suggested developing our own in-house engineering department to handle the construction manager of the jail as well as other capital improvements such as Airport, social services buildings. The money saved that we would otherwise spend for construction management of the jail and any other structures might yield a better hands-on accountability type program.

#### ***Allen Matlosz and Blake Jordan - Bonding Attorney***

Ed suggested that since the County has used these individuals in the past that we continue for this process as well.

#### ***Energy Impact Grant***

Ed said it is the intent to submit the request for around \$1 million in the April 3, 1999 grant cycle to Tim Sarmo. All the documents have been prepared and are ready to go.

#### ***CoGen***

Bob Szrot met with CoGen and one of the real pluses this power facility has is an overabundance of hot water during the summer. The technology is out there to use that hot water to air condition structures. Bob requested some examples of some buildings that are currently doing that and he was given about 5 or 6 of them -- some hospitals and other institutional type of facilities. On the heating side, this is straight forward and then we get into the situation as to what the most opportune situation would be for the county. The bottom line is that it is feasible and worthy of pursuing.

Sewer Line Design - The City of Rifle prefers that the County use Schmueser Gordon Meyer and David Hawker will assess the private land owners for less for the cost of the sewer line and that result will cost the County \$150,000 less that first thought. The City of Rifle will withdraw their \$50,000 they were going to contribute to this. The net advantage to the County is \$100,000 by having this happen. The sewer line will be born by the landowners.

Direction was given to proceed with the purchase of the land and Bob Howard will put in the infrastructure.

#### ***Current Jail Facility Update***

Tom gave the update saying they have demolished the walls in the area that is being prepared for book-in and visitation. The work that needs to be done now is going to be technical work in terms of concrete, cinder block walls and electronics. A decision needs to be made as to how to proceed from here. The inmates have done all the work up to now.

#### **COUNTY BUSINESS - EMPLOYEE OF THE MONTH**

Laurel Little from Nursing was awarded the Employee of the Month.  
Laurel will auction off the parking pass.

## **DEPARTMENT HEADS**

### ***Extension - County Engineer - Fairgrounds***

Bob Szrot and Carol McNeel were present.

Bob advised the Commissioners of changing perimeters and wanted to make sure the Board was comfortable with that. Since they got the architect on board, they have encountered that structures over 27,000 sq. ft. must be sprinkled if there are to be any number of people in them. The arena structure is larger than this. So consequently to add the sprinkling system to the arena will add a cost of \$50 to \$100,000. This means that all bids need to be locked down prior to starting the project. Bob recommended and planned on doing unless the Board disagrees is to delay the construction of this facility until the fall after the County Fair. This will give Bob a change to fine tune the costs; at the same time look at running a water line into the structure; order the building within the next week or two and have an October delivery of the structure.

Direction was given to Bob to proceed with ordering the building, allow Bob to fine tune the costs and to approve the delay of the project until after the County Fair.

### ***Building and Planning***

Mark Bean presented the following Resolutions for the Board's approval:

#### ***Resolution Amending Resolution No. 98-88 Scribners Error - Aspen Glen***

Commissioner McCown moved to approve the Chair to sign the Resolution amending Resolution No. 98-88 due to a Scribners error -- Aspen Glen. Commissioner Stowe seconded and the motion carried.

#### ***Resolution - Conditional Use Permit - Colorado Rocky Mountain School***

Commissioner Stowe moved to approve the Chair to sign the Conditional Use Permit for Colorado Rocky Mountain School. Commissioner McCown seconded and the motion carried.

### ***Oak Meadows Homeowners Association***

Mark stated he had received a letter basically to the Oak Meadows Homeowners Association that identifies various issues that some of the property owners have with the allowance or not allowance of certain types of commercial uses within technically what is Filing 4 of the Oak Meadows PUD. The County Attorney's Office has reviewed this and made some recommendation to the property owners and to staff basically noting that the way the PUD is set up, there is no way to enforce zoning per se so it comes back to their covenants in terms of how they have to be enforced.

### ***Personnel Action***

King Lloyd submitted appropriate documentation for a promotion within the Road and Bridge Department at the Glenwood Shop that they would like to see occur as opposed to them losing an employee to go to the Rifle or Silt Shops and then have to find more folks within the Glenwood Shop in terms of the overall staffing. The problem is that there is no promotion procedure in our policies. What King is looking for is to have this gentlemen classified as a Lead Equipment Operator for Glenwood.

Mark was directed to have King submit the appropriate documentation.

### ***Slaphey Annexation Plat***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Slaphey Annexation Plat; carried.

### ***County Attorney - Executive Session - Nystrom Litigation - STB - Abortion Litigation versus the District Attorney -- Archuleta, Gardner and DeFoor Matters***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

### ***Kathy Greer - Bill***

Don submitted a bill from Kathy Greer in the Archuleta Case and the Gardner Case. In the Archuleta Case the County has expended \$768 that was paid through the Building and Planning Office. In the

Gardner Case there is a bill that needs to be paid of \$1854 and asked which department this should be billed to. This is a case involving only the Sheriff and the Communication's Board. Don asked which department should be charged - his or the Sheriff's?

Chairman Martin said the Sheriff's office.

Commissioner McCown made a motion to pay these two bills as listed and also in the motion he would like to entertain that we keep Kathy Greer on the personnel cases as mentioned before. Commissioner Stowe seconded and the motion carried.

### **PRESENTATION TO MARIAN SMITH FROM REUDI WATER POWER AUTHORITY**

Mark Fuller presented the Commissioners representative Marian Smith with a photo taken by a local artist of Aspen. He remarked and marveled at Marians' long service and dedication to Garfield County.

### **PEACH VALLEY ORCHARD - SIMON AMENDMENT PLAT**

John Barbee, Mark Bean, David Hicks and Don DeFord were present.

John Barbee suggested that David come back with some proposed plats and as well as some proposed language for a conservation easement or find an entity -- Aspen Valley Land Trust or somebody like that who would be willing to accept the conservation easement.

A broker will not support this.

John felt this should not be approved.

Discussion

David Hicks said the reasons the owners of the property are going to be the mortgage holders and they do not want to burden the property. David added that the Board should go ahead and approve it without that requirement is 1) he researched the tax ramifications in doing a conservation easement and if this Board requires those he loses tax credits. He is interested in doing what the County wants him to do and that is to preserve the ground. That's why he came here was to go this route and not subdivide in order to conserve the ground. He referenced his ranch in Carbondale that he did the same thing on about five years ago.

David referenced the letter dated 1/22/99.

Discussion was held as to the name of Spruce Meadows and that it should be Simon Meadows Subdivision.

Mark commented there might be some confusion down the road if the name was changed and preferred it to stay with the name of the property owner - Simon Meadows.

Mildred mentioned this is a recording problem.

Don said in order that some of the issues are technical but he needed to raise: 1) in terms of naming -- do we have a plat and exemption plat for the Simon Exemption right now?

Mark said no -- only a draft.

Don said it needed at this point to indicate that it is signed and there is no reason this can't be addressed if the Board goes forward with this and you need amendments to change it through that process -- Spruce Meadows can be made to the previous approval process.

David Hicks clarified that this was for the first one - the Simon Subdivision.

Don said secondly, he didn't know if this was the proposed order for accomplishing the various changes to this property on paper or not, but probably technically they need to be addressed in order that it takes the lots out of the existing Peach Valley area that's to be part of the exemption. He referenced the second plat - today it's not shown on this map but as this is platted today these are lots and those lots need to be taken out.

Don said lastly, the Board under their regulation if a proposed amendment results in a major relocation of road or adds a road, that it cannot go through the amendment process. The Board will have to judge whether this meets that or not because clearly roads are being relocated but whether this is a major relocation is up to this Board.

Don further explained that this was an exemption and was not dealt with as a subdivision and unless David Hicks wants to file a subdivision plat that includes all the property -- they had better remain separate.

Chairman Martin said we need a motion that David either follow staff's recommendation and authorizing the changes and acceptance of Mr. Hick's proposal.

Commissioner Stowe stated that he would move to accept Mr. Hick's proposal but he would ask Mr. Hicks that since the Board was taking his word here and his intentions to keep this land preserved and in his intentions the best in trying to farm and provide this land as agricultural and open space for the County.

Commissioner Stowe made a motion to accept Mr. Hick's proposal to amend the two plats.

Mark added that what the Board would need to do is actually not make a motion at this point, but they are giving Mr. Hicks an indication that the Board would sign the appropriate mylars when they are presented to them as amended.

Commissioner Stowe said his motion would be to authorize the Chair to sign that plat as amended and presented today.

Mildred suggested the Board wait until the plat is presented to make the motion.

Commissioner McCown said he would second the direction given in Walt's motion.

Motion carried.

**PUBLIC MEETING: REQUEST FOR SUBDIVISION EXEMPTION ON THE PROPERTY LOCATED AT HIGHWAY 13 - 10 MILES WEST OF RIFLE - MILES NORTH WEST OF RIFLE, COLORADO CREATING A PARENT TRACT OF 165 ACRES FOUR (4) TRACTS OF LAND OF 26.3.85, 20 AND 102 ACRES MORE OR LESS. APPLICANT: BRYAN EDINGTON**

John Barbee, Don DeFord and Bryan Edington were present.

Don determined that adequate notification was in order and advised the Commissioners they were entitled to continue.

John Barbee stated that this is an exemption from the definition of subdivision on a 165 acre tract of land located approximately 10 miles north of Rifle on Hwy. 13 on Government Creek. The property is currently a working ranch using both the east and west side of Hwy. 13. The parent tract of land will be divided creating 4 exemption parcels of 4.85; 20; 26 and 114.15 more or less. Legal access will be provided via Hwy. 13.

*Public Comment:*

Aaron C. Woodward commented that he wanted to go on record saying that he was totally opposed to anything other than 35 acres. On the west side there are no operational wells. There is no way to get the water from the west side to the east side. The fences on his property are not on line - when Mr. Woodward traded land with BLM to get property, he had to replace the fence in direction with BLM before any exemptions and he thinks it best for fences to be put on the line. Also, the water rights on Government Creek belong to him and he would be strictly opposed to wells or anything that would involve the springs or interfere with his adjudicated water rights. His only opposition is that this is a livestock and ranching area and this interferes with his abilities. He felt the Commissioners need to enforce the laws and controls need to be put on in this area.

John Barbee said the fences were not on the property line and BLM is going to require that and agreed this could be a condition of approval; as far as the minimum 35 acres that is the law required for the exemption to meet the rule of subdivision prior to 1973. As far as water rights, since Mr. Woodward's water rights are adjudicated then he is the senior right holder and in this case John didn't represent that the well on the western portion of the property was in operation - it clearly is not in operation. However, it needs to be in operation or some method of providing water needs to be there prior to approval of the exemption plat. He added that if Mr. Woodward's water goes down, he can call the water board and figure out how you get that right.

John further explained that Mr. Edington has met all these requirements according to the way the Garfield County rules are set up.

*Recommendation:*

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, 25 ft. wide access easement across Parcel A to Parcel B, and any proposed easements for setbacks, drainage, irrigation, access or utilities including the water head box and pipeline right-of-way identified as BLM COC.

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 Site Acquisition Fees for the creation of the exemption parcel.

The applicant shall abide by the NFPA 299, Standard for Protection of Life and Property from Wildfire recommendations as it relates to driveways.

- a) All driveways shall provide a minimum unobstructed width of 12 ft. (3.7m) and minimum unobstructed vertical clearance of 15 ft. (4.6m).
- b) All curb cuts at entrances to driveways or other private ways shall be of sufficient width to permit safe travel by emergency vehicles at all times of the year.
- c) Turnouts shall be designed and constructed every 400 ft. (122m) along the driveways length.
- d) A turnaround shall be provided at all building or structure sites on driveways over 300 ft. (91m) in length shall be within 50 ft. (15.2m) of the building or structure.
- e) Where applicable, all driveways shall conform with NEPA 1141.

That the following plat notes shall appear on the Final Exemption Plat: "Control of noxious weeds on the exemption parcels, is the responsibility of the property owner."

"One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owners property boundaries." "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 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." "Garfield County has a "Right to Farm-and-Ranch" regulation, which recognizes the important contribution agriculture makes to this County.

Nuisance complaints made against customary and legal agricultural operations and practices will not be pursued." "All residential construction shall be consistent with the Colorado State Forest Service (CSFS) recommendations for construction of homes contained in the CSFS publication "Wildfire Protection in the Wildland/Urban Interface" and "Model Regulations for Protecting People and Homes in Subdivisions and Developments. All construction shall also comply with the National Fire Protection Association 1997 Urban Wildland Interface Code."

Prior to the approval of an exemption plat, the applicant will provide the following documentation regarding the spring:

- 1) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, suspended solids and nitrates be submitted to the County.

- 2) A Joint Water Use agreement for, Wilcoxson No. 1, and Wilcoxson No. 2, be provided for all parcels. All agricultural wells for irrigation shall be identified on the exemption plat.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Meeting; motion carried.

Commissioner McCown made a motion to approve the exemption from the definition of subdivision for Bryan Edington as presented with the suggested findings of staff also adding No. 8 in the packet "to assure that all fences are on the property line according to survey; and that the well permit and well and access easements be in place prior to final plat."

Commissioner Stowe seconded the motion; carried.

## **LIQUOR LICENSE RENEWAL: RIFLE CREEK BAR AND GRILL/MODIFICATION PREMISES - CATHERINE'S STORE**

Mildred Alsdorf presented the liquor license renewals for Rifle Creek Bar and Grill and Catherine's Store for a Modification of Premise.

### ***Rifle Creek Bar and Grill***

Mildred inspected this a year ago and there have been no calls made to the police regarding this license. Commissioner McCown excused himself due to conflict of interest.

A motion was made by Commissioner Stowe and seconded by Commissioner Martin to approve the renewal liquor license for Rifle Creek Bar and Grill; carried.

#### ***Catherine's Store - Modification of Premises***

Mildred explained the modification to the Catherine's Store as involving the moving of one wall where the antique store has been.

John Barbee stated this is expanding a nonconforming use and would need a building permit.

He further commented that this is a zoning issue.

Mildred disputed him and no other comments were made.

Don DeFord stated in terms of the liquor license specifically, this is implied that it should be specifically noted that the issuance of the permit is condition on compliance with all other rules, regulations. The owners would need to come to the Planning Department to verify that either what they are doing is either in conformance.

Mildred added that it's a catch 22 as the owner has to come before the Board to modify before he can make changes.

John Barbee said even if the Board approves this, they still to come to the Building and Planning Department but they will be sent to the Board to approve their expansion.

Mildred once again mentioned that the Board issues the liquor license and at the time this was originally issued, everything was okay. Aren't they grandfathered to the fact of what they are using this property for now?

John Barbee still maintained they were increasing their use and that's a nonconforming use.

Don said that's why he was suggesting to make this a conditional authorization so that the proposal can properly be brought to the Planning Department through an application or at least through a schematic as to what they propose to do and see if in fact it requires any permitting or not.

Commissioner McCown made a motion to conditionally approve the authorization for the Modification of Premise for Catherine's Store. Commissioner Stowe seconded. Motion carried.

(Later it was determined that there was no need to have a permit through the Building and Planning Department as the applicant was not changing the boundaries, he was only changing one wall inside the structure.)

#### ***Watershed Committee***

Barton Porter came before the Board to voice his concerns and how they would be addressing the watershed committee.

Barton said he was the only agricultural representative on this committee and the remainder is made up of public officials and not those directly affected.

#### **ROAD AND BRIDGE DISCUSSION**

Mike McBreen and King Lloyd were present.

Mike submitted a list of equipment that was advertised in the newspaper for sealed bids. The bids were received and the highest quote for any of the items listed. He requested the Board look over the list and authorize the sale of these items for the listed prices.

King mentioned that typically the Commissioners determine this equipment to be declared as surplus or obsolete for the Road and Bridge Department and authorize the sale by motion.

A decision was made to pull a couple of items out -- Items No. 8 and 15, and determine if more could be obtained going through the scrape metal process, otherwise they would be sold as listed.

A motion was made by Commissioner McCown, with the exception of Item No. 8 and Item 15 as discussed above, to authorize the Chair to sign the sale of this equipment. The motion was seconded by Commissioner Stowe. Motion carried.

#### ***The Highway Users Report***

King submitted the report that will be forwarded to the State and reflects that Garfield County has a total of 956.72 miles of roads in the County and 749.15 of those are eligible for highway user funds. He requested a signature from all members of the Board.

Commissioner McCown so moved to authorize the Chair to sign. Commissioner Stowe seconded. Motion carried.

#### ***Cooperative Agreement Between Forest Service/Rio Blanco County and Garfield County***

King explained this draft agreement would be to develop a gravel pit in the vicinity of Hiner Springs. Rio Blanco and Garfield County would cooperate on pit development in terms of equipment and the effort needed. There is a total of \$165,000 from the Forest Service to accomplish this gravel operation. The \$165,000 includes pit development costs as well as the crushing costs of the material. Rio Blanco County will handle the bidding process as well as the billing process for the project and the Forest Service has left it up to both counties as to where they want to put the material. It is thus far allocated for the Buford Road which goes through both counties. The boundaries would be from the New Castle end at the 4.5 marker and the 23.4 would be up to the county line up to Meadow Lake turn off.

The Forest Service has been provided some numbers of approximately four thousand tons of the Class 1 and 22,500 of Class 6. King mentioned he would like to see a Class 2 material as opposed to a Class 1 and a Class 7 versus a Class 6. Class 1 is typically a 2 - 2 1/2 inch sized material and Class 6 is a 3/4. Last year a sample of material was pulled and supposedly it was to run through a crusher to determine the type of material that came out. King said he projected a lot of fine material content and therefore the recommendation for a Class 2 versus as Class 1. Rio Blanco is ready to back-charge the \$165,000 for their efforts in developing the pit. King said he would prefer to try to keep as much into the material as possible. Allen from Rio Blanco estimated it would cost about \$15,000 to develop the pit. King's recommendation to the Board was to cover the fuel costs and put the majority of money into the material. Commissioner McCown made a motion to go ahead and approve this draft agreement contingent upon the County Attorney's review. Commissioner Stowe seconded. Motion carried.

#### ***Baxter Pass***

King mentioned that discussion had taken place between Mesa County and Garfield County regarding the joint effort on road issues -- Baxter Pass.

Commissioner McCown mentioned that he will start this in motion at the Associated Government Meeting.

#### ***Pollution Liability Insurance***

King said we are in a County Insurance pool that other county landfills participate in.

#### ***County Road 109 - Aspen Glen - Proposal***

King mentioned the trash area between Crystal River Ranch and Aspen Glen on CR 109 is Aspen Glen's property. They have been trying to deal with it but people just keep dumping at Seivers Corner.

#### ***Wall Redesign - County Road 109***

Mark Bean mentioned Ian Hause has met and Aspen Glen is in agreement with the proposal. They are working with the gravel pit to determine whether or not they need to figure out another way to get their winter water to them. King mentioned he met with them on Friday as well as meeting with the engineers for Aspen Glen. The water doesn't, other than working out the mechanics of getting LaFarge their water, it doesn't look like it is a problem. King said as construction proceeds there may be water that surfaces that wasn't anticipated but the commitment from Aspen Glen has been made to participate and deal with it. There are still some review of the side slopes to determine the extent that walls can be eliminated. The final design isn't complete on that. It depends upon two things -- the soils study to determine the stability of the slopes and also some grades yet to be determined as to lay backs on the slopes. The Commissioners informed King of a citizen complaint.

#### **COMMENTS FROM CITIZENS NOT ON THE AGENDA - *Operating Procedure of BOCC***

Gene Park from Battlement Mesa commented from a newspaper article that alarmed him pertaining to some of the changes in the operating procedure. It was proposed to eliminate citizens to be on the agenda in the afternoon. He commented that he felt it was better to do this in the afternoon. He asked the Board to consider it.

Gene said he also read that one of the proposals was to change the way anyone was able to get on the agenda. He summarized that when you make it harder, the citizens will not feel that they are welcome to comment. He referenced the oil and gas commission and how difficult it is to communicate with them. Again he commented that there are two people in administration doing what one person was doing and maybe why some of these new rules are being put into place.

At end of Commissioner's meeting he asked if someone could prepare a bulletin or a report on the day's business and make this available to the public. He suggested this could contain discussions, decisions, directions they are going, and make it public. He felt this would keep the public informed.

Commissioner Stowe stated that they would be refining the agenda and would take Gene's comments into consideration.

***Leases - Social Services and Mountain Valley***

County Administrator Ed Green presented two leases: the Department of Social Services for \$2792.00 quarterly and Mountain Valley Developmental for \$150 every quarter for 1/3 of Suite 101; carried. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the signing of the two leases with the Department of Social Services and Mountain Valley Developmental; carried.

**CONTINUED PUBLIC HEARING: ST. FINNBAR SUBDIVISION. PROPERTY LOCATED APPROXIMATELY 3 MILES EAST OF CARBONDALE OFF CR 100, 1/4 MILE SOUTH OF CATHERINE'S STORE. APPLICANT: ST. FINNBAR LAND COMPANY**

Mark Bean, Don DeFord and Tom Zancanella were present.

Mark presented a review saying on November 9, 1998, the Board of County Commissioners continued the Preliminary Plan hearing for the St. Finnbar Subdivision at the request of the applicant. The outstanding issue is the availability of a central sewage treatment facility to treat the subdivision's sewage.

At that time, the Ranch at Roaring Fork Homeowners Association was negotiating with the Mid-Valley Metropolitan District to locate a regional sewage disposal site on the Ranch at Roaring Fork property. Recently, staff was advised that the Ranch at Roaring Fork was not interested in locating a regional wastewater treatment plant on their property. As a result, the Mid-Valley metropolitan District is reconsidering their options for the location of a regional wastewater treatment facility at another location. One of the sites being considered is the St. Finnbar Farm property. St. Finnbar had previously received approval of a Site Application for a Sewage Treatment Works on their property. If this site becomes the preferred site of the Mid Valley Metropolitan District, it will result in a change to the Preliminary Plan for the St. Finnbar Farm subdivision. It has been the County Attorney's opinion in other similar situations, that the change is substantial enough to require referral back to the Planning Commission for review and recommendation.

The applicant's planner has been advised of the issue and will be prepared to address it at the continued hearing at the February 1st meeting of the Board.

Ron Liston submitted a letter stating there is good progress continuing but requested yet another 90 day extension. They also waived any regulatory requirements.

Tom Zancanella said they had been negotiating with several developers. They were directed by the Mid-Valley Sanitation District to go ahead with a amended service plan.

Mark said as a Board they will be required to approve the amended service plan. The Building and Planning should be receiving the plan and come before the Board at a public hearing.

This is one of four developments that need to be included.

The Board wants to see regionalization when it comes to the sanitation districts.

Commissioner Stowe recommended to continue this for 90 days until May 3 at 2:00 P.M.

Commissioner McCown seconded; carried.

**CONTINUED DISCUSSION - AIRPORT ISSUES**

Allen's projection on an Airport Manager position was presented.

Barry Hamilton, Klaus Schattleitner and Paul Hoffman were present.

Klaus spoke for the Authority Board saying during his absence at the last meeting, the Board of Commissioners were discussing keeping the Airport Authority or dissolve it. Briefly he said that whatever the County Commissioners would like to do, they will go along with it. The Authority's duties are to help the Commissioners. And therefore his duty is to inform the Commissioners that if they make a change to management or dissolve the authority Board you will probably be looking at an increase in expenses from \$100,000 to \$300,000 or a difference of \$200,000 more money. Because the present arrangement they have with the Authority Board functioning as management and with the help of FBO doing some of the duties this is a bargain. The Authority Board is interested as they hope the Commissioners are in the growth and the safe operation of the Airport. The Authority Board members have been helping very diligently in accomplishing this. Again, it is their belief that it would not be a wise decision to go the management route. One other board member is present today and representative of the FBO and the helicopter operator. They believe that the Garfield County Airport is one of the last windows open to



Garfield County for economic increase and improvement. They also believe it will be sometime until they get commercial traffic in and out of there. They are progressing and preparing for such a time. The safety margin the Garfield County Airport with a safety envelope for pilots is much better than Aspen and in one of the regional meeting Klaus has already asked Aspen Airport to communicate with Garfield County because they can expand their operation onto Rifle. That would mean since the geographical limitations in Aspen exists to expand their Airport, they can not unlike Vail expand to Avon to Eagle, they could come to Rifle to get the 757's in there. Again that may be way down the future. He said he also believes that the Commissioners have a plate full of work to do and they have not probably been privileged to receive the right communications from the Airport Board. He would like to invite them once again invited them to visit us -- come to the meetings -- and let them know when it is a convenient time for the Commissioners to visit the Airport Facility and they will give a grand tour. Klaus said he has been involved since 1986 on the Airport Board and a lot of things have been happening since. One very important aspect is that the FAA (the Federal Government) has loaned Garfield County with extended considered funding, almost \$5 million, and by law some appearances must remain. If some of those are broken, FAA can call in the money.

Paul Hoffman of Corporate Air gave his update saying he has been at the Airport since 1985 and dealt with all the Boards since then. The Airport started off with fuel sales combined well under 100,000 gallons and generated a lot of revenue. They started off with approximately 3 or 4,000 sq. ft. of hanger and between Corporate Aircraft and UPS Air have just under 50,000 sq. ft. with a proposed 130,000 sq. ft. the next 2-3 years. The Airport has done a lot of growth -- a 6,000 ft. runway not a 7,000 ft. with -0- instrument approaches and now we have 5. We have jet aircraft accounts of less than 100 and now in excess of 1,000 which is where the AFD funding. All this really has been doable due to the relationship with the Airport Authority Board and the County. What's happened now is that things in the County are changing and will continue to change. We don't have the liaison structure that they had before -- a void with Chuck Deschenes gone. That void is gone in grants and budgets and in the past Corporate Aircraft was the liaison with FAA -- certainly something they can do again. But there is still an administrative void and herein is where it lies. This void and the communication between the Airport Board and the County. The Airport Board is a vital instrument in community relations -- they do not have the political infrastructure to deal with as does the County. He thinks it will all work smoothly if we can develop the administrative role -- retain a Board that communicates well with the County. He's been involved with a lot of other airports and they are running this Airport at a fraction of the cost of public airports its size given real estate, asphalt, instruments approaches, etc. none of which can we afford to let go of in Garfield County. Eventually the whole problem of communication with new industry and recreation to oil and gas -- we don't built these things without infrastructure. This is very important. He would like to see the Board retain it's position, the Commissioners being the ultimate authority -- you have the real estate -- so you should have that authority, but we need to work together. Corporate Aircraft is willing to work with all the parties to help continue to run here at a fractional cost that we have been operating the Airport. As a County he didn't think they could afford the numbers that would be talked about if they go to management and other people operating the Airport. This would be hundreds of thousands of dollars. Paul has been there for 15 years and provides service for a fraction of the cost. The Airport is important to taxpayers to have the operations handled at a fractional cost. It's important that we have a vision and set new goals for the Airport. He said he thinks this can all be done and hopes it can and will be done with some presence of the current Airport Board. The volunteers spent a lot of time working at the Airport and spent a lot of time developing the services. They've been a tremendous asset.

Klaus said a statement was made in the newspapers about two weeks ago that said the Board treats the Airport like a playground. He said he begged to differ. They worked very hard to do the best they can for the Airport and he resented that statement. He has his plane in Denver -- he said he has no advantage -- receives no benefits from the Garfield County Airport as a pilot and trainer. He does it because he's retired now and it gives him something to do. He can get fired too but he'd like to stay -- either as an advisory board member or whatever the Commissioners decide. He stressed that he doesn't look at this as a playground.

John Newton, Board Member, had no further comments. He did echo what has been said already.

Jack White commented that from his standpoint as a business operator out on the Airport, saying that the Board needs to exist for several reasons. One being these are volunteers and are not getting a dime -- you can't replace them. They do bring expertise to the Board and enthusiasm. Enthusiasm is something you

can't buy at any cost. He didn't think that should be ignored and say that's not a benefit because it's a terrific benefit to everyone. On the other hand, as he said at the last meeting, it is time for some kind of an liaison between the Board and the rest of the County. Whether this is the County Commissioners or someone else in the County -- there needs to be some more ownership for the responsibility of an Airport and it seems that of late it has gotten more and more cut off as a separate entity. Again the Board lends a lot of expertise. To hire somebody that could be that interfaced or to do some of the administrative functions along with an Airport -- this is probably smart. This serves the Commissioner's purpose which connects them tighter to the Airport and keeps them in better communication. You need to look to the Board for their expertise and enthusiasm -- this if free and should be taken a long hard look at. It may not exist in its previous function but certainly in some function it needs to exist and these are people who want to do it and lend that expertise that the Commissioners would have to pay for somewhere else. Commissioner Martin said there is not a question about their loyalty. Some of the problems the Commissioners have is the Airport Board is an authority and responsible for certain things that they cannot ignore. Garfield County is the landowner -- they either have to relinquish all that and put it on the Authority or the Authority has to become advisory and not authority. That is the decision the Commissioners are going to make here. It's not that we question people's integrity at all. It's happens to be that it's either authority or advisory -- that's the decision they are struggling with. Did anyone really mind the term advisory? That's the ultimate question.

Commissioner Martin said it does make a difference in the structure and the things that do take place and yes, Chuck was the one that ran the Airport. Spent a lot of time at the Airport and in fact we suffered a little bit at the County because he loved the Airport so much. Again things are changing and we are not trying to change just to do away with people -- what it amounts to is to make it more efficient. We want what's best for the Airport and that's why they are struggling with this.

Klaus suggested if we could find a happy medium here because Chuck took it upon himself to do the administrative work for the Airport Authority and he took on some legal work that probably wasn't legal. So why when looking at the County could they provide some bookkeeping and letter writing and possibly some legal work the Commissioners feel comfortable with. We now have a law firm on board and our next step is to rehire an engineering firm to help us accomplish grants and go ahead with a PUD plan which is labor. You need to do those things. Again, there is one applicant present that who is a high dollar person/expensive. He thought the Board ought to look at those numbers.

Ray Lloyd from Silt said the term high dollar number is something he didn't like because he worked on the budget that was submitted to the Commissioners. He assisted the Airport Board including that budget and there was money allotted for the position in that budget and the Commissioners approved that budget. In addition to that my experience in doing the airport, which he was asked to do in June of 98, he has also helped in meetings with the Commissioners on marketing plans -- he wrote the marketing plan and the job description for the position -- he applied for the position in September -- he doesn't even know what Airport Personnel Policies exist if any because nothing has happened on that. He's seen month after month go by -- we made a critical statement, even some of the Board members in September, that someone had to get that thing moving and get the Airport off the ground and make it work. It's a long time for me to be dangling around waiting to hear on a job but if he's not going to get anywhere with the application -- then -- the Airport is a great asset for the County. There's tremendous ability to add income to the County down the line. It does not require a \$300,000 additional funds to manage it property. The budget is there to be managed the first year with no problems at all with the existed budget funds. He wanted to correct this issue of high dollars.

Ed Green mentioned that the Board had asked the staff to develop a credible budget and Allen has done that and provided a copy of this to the Board.

Allen said essentially what they assumed was the FBO would continue performing fundamentally the services that it is today and that they would hire an Airport Manager to do all the administrative stuff that Klaus has mentioned. In addition we would hire or acquire a part-time attorney to work on the airport issues at least for one to two years as there are a lot of issues that the County will need advice on at the Airport. Having done that, he went through the budget that was initially submitted and made some minor modifications. The contract airport manager at \$24,000, the secretarial services for \$900 and assuming this would be a fund of the County, so he also took out the accounting services and professional services and did away with legal services if we are going to hire an attorney. With that he made a certain amount of adjustments. Put in the wage and benefit figures for both the full-time Airport manager and a part-time Airport attorney and increased costs about \$96,000. Additionally he added in some Motor Pool charges,

retirement contribution and capital outlay for a 4-wheel drive needed to support activities at the Airport and the net effect of all those changes looks like the first year cost would be \$85 to \$105,000 to get this kind of staffing and management activity. Second year cost would be somewhat lower due to the \$28,500 for the vehicle is a one-time purchase so looking at the range between \$ 55 to \$75,000 ongoing costs to staff with a manager and an attorney and continue on course with an FBO doing the current services -- they were budgeted for \$22,800 worth of additional services -- this included snowplowing, etc. Breakdown was submitted.

The amount that this includes for the Airport Manager would be \$63,965 for wage and benefits. Allen said he assumed the Airport Manager would not need secretarial support -- they would have a PC, part of the capital outlay, and do their own secretarial support and letters.

It was asked who would be doing the communication with FAA and snowplowing.

Allen said the FAA communications would be the new airport manager's responsibility. Snowplowing and other event oriented activities would be done by the FBO on a contract basis. This estimates was for the FBO to continue to do these event oriented activities. That person would also be the one to contract the Airport engineer and coordinate with him/her and get the PUD done with whatever assistance would need to be done for that project.

Klaus said this follows the line that he was thinking except this is their feeling that there would be a lot of other costs coming up like a secretarial costs. Someone needs to man the computer. He felt that another Worksession would be needed to find out from Paul what his present contract specifically says as far as snowplowing, the landscaping and the general maintenance. FBO's normally don't do that -- that's the Airport owner. He's afraid there would be a lot of hidden costs but they need to be discussed.

Commissioner McCown asked how Klaus sees this differing if the Commissioners leave the Authority Board in tact and hire a manager and provide legal services? Do you see a different line of costs there?

Klaus said they believe the Authority can do management as it has been done before by the FBO taking over more responsibility.

Commissioner McCown asked if Don or Carolyn has a copy (passed out by Paul) the management duties, etc. He added he wanted to make sure he wasn't piling more duties on the FBO and expecting the FBO to perform some management task that are really not in his scope of duties. Those would be some of the hidden costs that he thought the County would inherit no matter if it's an Authority Board or Advisory Board or if it's an Airport Manager -- this is where the buck is going to stop is the County. It doesn't matter what we call the management team or who is hired to do it or what the name of it is -- the Board is the funding entity. If Paul is doing things above and beyond his contract simply because it's always been done that way and it's expected, that's not fair to Paul. If he's not doing everything he's supposed to do on his contract -- that's not fair to the County. Let's get someone to take a look and get this thing back into perspective so there are no surprises when the Commissioners make a decision. Regardless of what happens with this decision, all the taxpayers are the ones that will be paying the bill. Therefore, he wanted to look at the FBO's contract. A more definitive line on responsibilities may be needed so Paul knows what's expected of him and the Commissioners know what's expected to fill the void and go from there. We put dollars to this and make the decision.

Paul said it is very vague at the present time -- month to month the items they are obligated to do are perceived differently. It does need to be evaluated.

Commissioner McCown said before he would be inclined to make any kind of a definitive change in the operation, he would like to have this information. The \$66,000 a year recurring charge, if that's all it is, and we can draw together a better consensus and better lines of communication and a direct responsibility on who answers to the FAA, who's responsible for this -- this is a good investment in the County's future. If it's \$300,000 a year, then he'll have to take another look at it.

Klaus said in addition to his proposed budget with Allen, right away the County needs to add on a contract with an Engineering Firm because they have to be on the books to receive any funding from the FAA. The FAA requires that an engineering firm is on board. We have a contract with Isbill and they are very familiar.

Commissioner McCown mentioned there was \$125,000 allocated for contract services. It's just a matter of coordinating with the engineering firm. These may be some of the things that have fallen between the cracks and define clear lines of responsibility. It goes back to some of the reorganization -- that is accountability.

Klaus one more item -- at the present time we have a hanger under construction at the Airport and at this time the lease agreement on hold because of last meeting. Could the Commissioners make a decision now to go ahead and write that lease so they can go ahead.

Chairman Martin said the lease has to be signed by the landholder.

Don - This was brought to the Board's attention at the last meeting, but he wasn't aware that anything was under construction -- a lease but not the construction part. The Board deferred a decision on it.

Melody Massey said she drafted a lease and gave it to the County Attorney and the party but we're in draft stage one and haven't been able to move forward on it at all. There are issues the County Attorney brought up that haven't been addressed yet because of the ambiguity issues. There is no direction as to where to go with it.

Don said the County is the landowner and it was brought to the attention of the Board, the Board's deferred a decision on the status the Authority has with the County because this is supposed to be a signature by both at this point. In terms of construction, it is the first he has ever heard about it. One of the remaining issues is whether any leases should be signed pending development of a full Planning and Development Plan for the Airport. This has been an issue for more than a year. It was brought up a year ago -- Chuck recommended that we go ahead with a different lease pending completion of that site plan. So all these issues were brought to the Board when that lease came up a week ago or two or three weeks ago.

Paul Hoffman said we're talking about Parcel C which Corporate Aircraft has first right of refusal on and fully intends to build on for the next two years. So when you talk about site proposal or development, are the Commissioners going to require me to option my piece of Parcel C which is 90% and build what you require or what we as the FBO perceive OUR continued build-out of our option parcel?

Chairman Martin said this was the issue under the review of the PUD. What has been proposed, what needs to be upgraded, what is on the drawing board right now.

Paul Hoffman said he fully intends to come to the -- whether it be the Commissioners or the Authority Board -- with a site plan for Parcel C and a rendering of planned development of the FBO within the next 30 days. He asked if he was in line here or will they be requiring specifics?

Chairman Martin said he was in the process of reviewing the actual PUD that was done in the 1982 and hasn't finished that yet and don't understand it all so he couldn't tell him.

Commissioner Stowe said following the visit with the FAA last week was the fact that do want to redraft the Plat and establish where the entry points are going to be for through the fence operations and it appears the funding will be available to do that and update. We are trying to decide if we're going to coordinate that with our jail plan upon the hill with Mr. Howard and all of us are going to work together. So obviously your update of Parcel C would be important to that development.

Paul Hoffman said they all have concerns about the future and control.

Commissioner Stowe said so does the FAA. They did let us know what could happen. Certain qualifications have to exist.

Paul said they just feel as Jack Boyd and himself, as tenants on the property that we need to finish developing what real estate the County has on the Airport prior to through the fence.

Klaus asked what they could tell the rest of the Board.

Chairman Martin had more talks scheduled and a decision on the Authority Board versus the Advisory Board in on February 8 and we're also scheduled to meet with the Board on February 17.

Klaus verified that the latest would be February 17?

Chairman Martin said they would be gathering facts and make that final determination and go from there.

Commissioner McCown asked if Carolyn Dalghren would be able to evaluate the documents in question and give an opinion prior to that?

Carolyn clarified the Fixed Base Operators?

Commissioner McCown said yes and the areas of responsibility for the interaction between maybe a management situation even with the existing board situation as it is and try to clearly define areas of responsibility and give us an idea.

Carolyn said she would be sure she had all the amendments to the document.

Commissioner McCown asked if she could have this by the 8th?

Carolyn said she could. She wondered however if they should calendar this after the 17th meeting when...

Commissioner McCown said it was all other decisions -- it is easy to put it off. Once the Commissioners get the facts they need to move forward with this in one way or the other.

Chairman Martin said at the Board Meeting was can discuss which way we are going and do whatever we need to do -- on either the reorganization one way or the other.

A date was set for a Worksession on February 16 from 10:00 - 12:00 for Airport Discussion.  
Don mentioned having a discussion in the morning and a decision in the afternoon.  
A decision was made to wrap all together and set this for February 16 at 10:00 A.M.  
City of Glenwood - Feb. 9 - 7:30 Courthouse - reschedule to 2/23 at Courthouse 7:30 a.m.  
Garfield County Affordable Housing - Proposed Amendments to the Resolution and Guidelines  
was scheduled for March 8th.

### **RFRHA/CIS RESOLUTION - ROGER MILLAR**

Victoria Giannola, Walt Brown and Tom Newland were present.

Tom Newland presented for the Commissioners review a Draft Resolution asking support for passenger rail on Alignment C. He asked to have input from the Board regarding their concerns.

The Commissioners raised a host of issues concerning the financial and land-use impacts the alignment would have on Garfield County.

Tom Newland explained that the Alignment C was designed to meet mid-valley land planning desires. In doing so the rail alignment would exit the existing Aspen Branch rail corridor at Catherine's Store, and travel alongside State Highway 82 up to Woody Creek. That eleven mile detour from the 34 mile Aspen Branch line will add about \$30 million in extra costs to the rail project. The estimated \$122 million cost for the alignment, including land acquisition and stations, does not consider the cost of trains and maintenance facilities. According to a November conceptual cost estimate, another \$37 million needed to be added to the system. Tom also said that after they complete the Draft Environmental Statement, if Alignment C appeared too expensive, RFRHA could revisit other alternatives.

Commissioner McCown reminded RFRHA that there were some \$40 million in federal funds earmarked for valley rail and another \$45 million of potential federal funds available, however this leaves a substantial shortfall.

Capital costs, overall costs, trail costs, alternatives, the study of the land acquisition that still needs to be accomplished, cost impacts to the taxpayers and Alignment C were some of the concerns the Board listed. Another major concern was the overwhelming costs associated with the corridor and where the money would be coming from. Where will the additional funds be generated?

Tom Newland responded that he believes the funding gap will be filled by additional federal, state and local support.

Commissioner Martin reminded Tom Newland that Alignment C will cause hardships on quite a few county landowners. He mentioned this Board can give RFRHA a Resolution but it might not be what they would like to see.

Commissioner Martin reminded Tom Newland that Garfield County was not a member. He questioned the justification of commenting on a Resolution without a Comprehensive Plan to comment on.

Tom Newland mentioned that the Resolution becomes part of the environmental study and Volume 2 is being submitted for public comment.

Commissioner Stowe stated he was concerned over the choice of the new alignment C adding that it was too expensive and RFRHA may drop the rail and proceed back to the bus option. He questioned why the original alignment is not being considered.

Tom Newland said if Alignment C is too expensive, they can revisit the other alignments.

Commissioner Stowe suggested that something like this is needed as part of the proposed draft resolution.

Commissioner McCown mentioned that the General Improvement Districts requires voter's approval.

Commissioner Stowe suggested that RFRHA still needed to explore the options; it is too soon to come out with a Resolution.

#### *On the Trail*

Tom said the Trails Committee is looking at a footpath now and then a 10' wide trail. He added that there were a number of funding sources and another idea would be to include this in the transportation district or a recreational district on it's own.

Tom mentioned the next meeting for RFRHA will be on February 19 from 3 P.M. until 5 P.M. at Carbondale Town Hall. He added that the Resolution they were requesting support for was needed before February 16 so RFRHA can act on it.

#### *Public Comment*

Stan Stevens mentioned there was a local task force studying the problems and he encouraged the Board to get enough information before they write a Resolution.

Ray Lloyd commented that most points are valid as to the cost. He estimated \$6 million per mile. He added that Silt is not concerned about rail - they want jobs in their area.

#### **RTA DISCUSSION - COLIN LAIRD**

Dan Blankenship with RTA, Healthy Mountain Communities Colin Laird, and Don DeFord were present. A packet of information was handed out.

Dan Blankenship spoke to the Commissioners on the needs to create a rural transportation authority would allow it to levy its own taxes and keep its head above water. The Rural Transportation Authority -- RTA -- Board consists of all the counties in the area and provides bus service in the Roaring Fork Valley. He stated that RTA's future is somewhat bleak with their greatest need identified as replacing 25 buses in the next five years at a cost of about \$8 million. Currently the funding for RTA is through rider fares and sales tax revenues from Aspen and Pitkin County, although there are some contributions from down valley town. Statistics show that about 3.7 million people rode the bus last year and that number increases approximately 10% annually.

Dan said the bottom line is -- if RTA does not get the money they need then cutting service is their only option. He added that he didn't think this was in the best interest of the community.

RTA's plans are to put the first question on this November's ballot and the second question would appear on the election ballot within one to two years.

Dan mentioned there were three possible scenarios that are being considered: retain the existing bus service; expand the service to Parachute and Rifle; or fund a valley-wide train system.

The Board expressed that Aspen is the City that gets the largest share of bus service. They were not supportive of increasing bus service from Parachute and Rifle to Glenwood Springs.

Colin Laird mentioned they were looking at the problem regionally.

Mike Davis - Planner for RTA mentioned there was a huge demand for bus service and supported his statement with charts and handouts.

Colin asked the Board as well to have a staff person to participate on the RTA Board.

#### ***Executive Session - STB Litigation***

Commissioner McCown made a motion to go into an Executive Session to discuss the STB Litigation.

Commissioner Stowe seconded; carried.

Commissioner McCown made a motion to come out of Executive Session. Commissioner Stowe seconded; carried.

#### ***Adjourn***

Commissioner McCown made a motion to adjourn. Commissioner Stowe seconded; carried.

Attest:

Chairman of the Board

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**FEBRUARY 8, 1999**

**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 8, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

***WIC Contract***

Ed presented the WIC Contract for ratification by the Board.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the WIC Contract; carried.

**REGULAR WORK SESSION**

**ATTORNEY'S UPDATE**

Don DeFord - County Attorney

Don mentioned the topics of his discussion included - Status on STB Litigation; Site Acquisition on the Jail; Annexation with the City of Glenwood Springs on CR 116 & CR 117; and the Amendment to Service Plans for Special Districts for Mid Valley Sanitation District.

***Executive Session***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to receive legal advice concerning the County Attorney's updates on the issues as stated; carried.

**ADMINISTRATOR'S UPDATE**

Ed Green - County Administrator

Ed gave his report that consisted of the following:

*CDBG Housing Projects Financial Report* that needs to have the Chair sign.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign off on the pass through; carried.

***Lease for Lift-Up***

Commissioner Stowe made a motion and Commissioner McCown seconded to authorize the Chair to sign the lease for Lift-Up for \$62 per quarter; carried.

***Board Seats - Appointments***

Building and Planning Commission

Michelle Foster and Anna Price, current members of the Board were discussed.

Michelle Foster has requested to be re-appointed; Anna Price did not want to be.

Dr. Dan Weitzenkorn submitted a request to be moved from the Board of Adjustment to the Building and Planning Commission.

Discussion

Due to conflicts currently ongoing, the Board did not feel comfortable in appointing Dr. Weitzenkorn to the Building and Planning Commission. Commissioner McCown suggested to keep his application on file for a later review.

Michelle Foster will be retained as a regular member; Dominic Dodera was suggested to be moved to a regular member versus an alternate however, if he was not interested then Nancy Smith from Carbondale. Commissioner McCown so moved. Commissioner Stowe seconded. Motion carried.

***Housing Authority***

Mary Jane Hangs submitted her request to serve on the Housing Authority Board.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to appoint Mary Jane Hangs to the Housing Authority. Motion carried

#### ***Fairboard***

Jimmy Sue Mason and Vi Park have resigned. Two members are needed. The applicants are Francis Hoffman of New Castle and Bill Craig of Rifle.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to appoint these two members; carried

#### ***Community Correction***

Ina Fritch resigned.

West-end resident

Marian Clayton has submitted a request to serve as a representative from the west end of Garfield County. Mildred indicated there was not conflict and she knew about the request.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to appoint Marian Clayton to the Community Corrections Board; carried.

Mildred mentioned if there is a conflict of interest - Marian will step down.

Fair - 3 new members are needed

Carol McNeel recommended Adrian McNair; Selley Coske and Walt Stowe.

Additionally all 9 of the current board need to be re-appointed.

Commissioner McCown stated he had a problem with Walt being seated on the Board as he would if he were seated or John. We are getting back into the same conflict of position.

Serving on boards -- it is important that we participate at the Fair Board Meeting but not serve on the Board.

Commissioner Stowe stated he tended to agree to that as well.

A motion was made by Commissioner Stowe to appoint the two mentioned by Ed Green plus the re-appointment of the current 9 members; Commissioner McCown seconded; carried.

#### ***Board of Review***

Robert Fritch has resigned but there is no replacement applicant.

#### ***Mechanical Alarms***

Ed said there were all installed except in Judge Zerbi's quarters. That project came to a \$100 over the \$2700 budgeted amount.

#### ***Law Library***

Modifications are proceedings okay. Guy expects to complete by the end of the week.

#### ***Brenner Contract - Taughenbaugh***

Ed asked the Commissioners authorize the first release of payment on the Taughenbaugh and to sign the blanket agreement. Commissioner Stowe so moved; Commissioner McCown seconded; carried.

#### ***Modification - Incorporate Alcohol and Mental Holds - Brenner Contract***

The modifications to the existing jail and the future facility for holding medical inmates is almost ready to get underway.

#### ***Garfield Youth Service - Block Grant***

Ed asked for the Board to sign an Intent to Access Funds in the amount of \$7814 for the Garfield Youth Services.

Commissioner Stowe so moved; Commissioner McCown seconded; carried.

#### ***Voice Mail System - Replacement***

Ed said they received a letter from First Call indicating in their report that the audit will be delivered to us on February 15th. However, as you know during the review they discovered a portion of the voice mail system is not Y2K compliant. They provided a proposal where they suggest the possibility of using the existing voice boards however, the remaining portion of the system has to be replaced with a new PC platform and monitor. The cost of this will be \$5220.

Ed asked approval to move forward.



Commissioner McCown made a motion to approve the contract moving forward to update the voice mail software and to authorize the Chair to sign when the contract is received. Commissioner Stowe seconded; carried.

#### ***Rifle Automated Trash Collection System***

David Hawker and Ed spoke regarding this upgrade.

David asked for an agreement as to whether or not we change the approach in Dump Fees, that it won't penalize them because of the variation in volumes that the new system has.

This item will be discussed on February 24 in Rifle.

#### ***Pilt State Option***

Allen Sartin explained:

For 1998 Garfield County took the Pilt Offset Option which is in accordance with State Statute that allows us to give up Pilt and have certain Pilt flow through to other districts in the County but in the long run of the thinking that money would actually come back to the County in future years. Based on an analysis by the Department of Local Affairs, they have now concluded that due to changes in the 1996 Federal Regulations as to how Pilt is to be calculated, that Pilt Offset Program no longer works to the advantage of Counties in Colorado. Therefore, Allen recommended to the Board that they withdraw from the Pilt Offset Program for 1999 and that we contact the Department of Local Affairs and find out when and if they might provide any Hold Harmless Grants from 1998. The letter Allen received from Steven Colby discusses the possibility of the State possibly offering a Hold Harmless Grant for the loss for 1998.

Commissioner McCown felt that was a sure thing. There were only six counties involved.

Allen stated that a letter needs to be sent to the State Treasurer by the end of February indicating that we want to withdraw from the Pilt Offset Program and to request a grant for the 1998 Hold Harmless.

A motion was made by Commissioner McCown to take that action. Commissioner Stowe seconded; carried.

#### ***Executive Session Recap***

STP Litigation; Jail Site; the Negotiation with the Landowner and City of Rifle; the Annexation of CR 116 and CR 117 and the survey; and the Service Plan from Mid-Valley Sanitation District

### **SCHEDULED WORK SESSION - JAIL PLANNING**

#### ***Community Corrections***

Jan Kaufman, citizens member, gave the report of the meetings over the weekend. Jan announced that beginning Friday afternoon and Saturday morning in Arapahoe County the Association will have their quarterly meeting.

Women's Prison: halfway and coming out of prison. There is never enough beds and spaces. The hard core problems of drug/alcohol; emotional, etc. are the concerns of being re-asserted into society.

One-third of the population on diversion are women. Women need different programs than men.

The number one issue is children or women being pregnant. Handling the children as well as the offender works better. The new head of the Corrections is a big supporter of Community Correction. He was also very supportive of the Garfield County Jail.

Division of Criminal Justice

Jan reported there were 8 different Bills introduced this session.

Regular Community Corrections Board -- Thursday, noon - Hotel Colorado

Topics to be Discussed include: Restorative Justice and Senior Citizens in Prisons

She added that in the near future we will see the impacts on city jails and community corrections.

Seniors, by their definition, will need more medical care and services.

Walt - State Corrections - CMI - private facility - siting a facility in the Ninth Judicial District.

#### ***Juvenile Sentencing***

Dale mentioned that there is a Bill that supports juveniles to spend 2 years in jail.

Jan said this is not a good situation.

#### ***Jail Update - Rifle Site***

Ed said there was a meeting with Reilly/Johnson for his proposed timetable. They proposed that the construction be broken into two packages -- Site preparation immediately with contract issued on July 1; and a proposed a phased design. They would develop a package with as many details as possible, pre-qualify a set of contractors and go out to bid for a set price.

The completion dated expected for construction is 18 months; March 2001.

Commissioner McCown does not want a "design build" and explained his reasons. He preferred two distinct bids.

Discussion was held.

Ed said the intent would be to have the GMP move on site in August. The Firm of R/J was focusing on the County's needs as soon as possible. Securing bonding and bid packages would need 60 days.

Commissioner Stowe felt they could trim it to 45 days.

Tom Dalessandri said if we go with a new Architect they would have to do reprogramming. This has already been done twice therefore to use the one we have dealt with in the past, it would shorten the window by 30 days.

Don said it would take 60 days to do the PUD in the County.

Mark confirmed there was a 30 day notice period. Any rezoning is required to go to the Planning Commission.

Ed said the biggest handicap with R/J was airport planning. He suggested a subcontractor could be hired. They also agreed to meet with the FAA to learn.

### ***Jail Advisory Board***

Commissioner Stowe commented if planning an adjoining Community Correction then it would be beneficial to set up a weekly meeting with the members running congruent with the jail planning committee.

### ***Remodel of Current Facility***

Tom said they talked to Chuck Brenner and he also met with Paul Kasampas over the weekend to discuss meeting standards. Paul was comfortable with what has been done preliminarily. At some time Tom suggested the Board consider bringing Paul on board periodically as a facilities consultant. His expertise in certain areas will assure we are meeting certifications of state standards. Paul Kasampas will be available as a resource.

Discussions regarding the second facility for Glenwood was suggested to begin.

### ***Choice of Architect***

The pros and cons of selecting a new architect was discussed.

Tom mentioned that a new architect would require a lot of time for communication; he favored keeping Reilly/Johnson as the architect as he has done a good job for us especially in maximizing space and developing an understanding of the needs of the County. Tom said in the many sketches there was some things the County did not like -- R/J would comply. Tom feels that Garfield County is very aggressive in their facility planning.

Commissioner Martin also favored using R/J for the architect.

### ***Glenwood Facility***

Walt mentioned options such as taking away all the modulars and revamp the block building; and the other is to level everything and build a new facility. working with Carbondale and Glenwood with assistance in staffing.

Other issues discussed included: a construction manager; engineering staff; and the joint efforts with the Community Corrections and Jail Advisory Board.

Jan Kaufman said they will talk about the involvement on Thursday.

Tom Dalessandri said he would like to revisit the Community Corrections Facility if in fact they were going to take over Work Release.

Ed and Dale will initiate the discussions with CMI.

This discussion was continued until 10:00 A.M. Tuesday, February 8, 1999 for a Decision on the Architect.

### ***Colorado West Mental Health***

Tom said Colorado West met with them and they discussed some type of a facility at the current location for Mental Holds. Michael is very interested in a facility at the jail for a Crisis Stabilization Unit. Funding is uncertain but discussions need to be held.  
External funds can be obtained per Michael.

## **CONSENT AGENDA**

### **LIQUOR LICENSE RENEWAL: JAK'S 82 GRILL**

Mildred Alsdorf presented a renewal for Jak's 82 Grill. The Board reviewed the documents. Mildred stated there were no reports of improper activity.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the liquor license renewal for Jak's 82 Grill.

#### ***Contract with Garfield County, Forest Service and Rio Blanco - Buford Road - Gravel Pit***

King submitted the contract and stated that Don had looked over the item and didn't have any problem.

This is for the crushing and laying of gravel regarding the Buford Road. Develop a gravel pit that is maintained by Garfield County, Forest Service and Rio Blanco County - CR 245.

Commissioner McCown made a motion and Commissioner Stowe seconded to approve a contract for the gravel pit at Hiner Springs with the Forest Service and Rio Blanco County for the purpose of CR 245 graveling; carried.

#### ***BLM - Request a Meeting - March 1 - Regular Board of Commissioner's Meeting***

#### ***Decision Making - Agenda - End of the Regular Meeting Day***

Discussion was held.

The Agenda will be changed to include Jail Discussion - Worksession and Decision.

#### ***Titles - Transfer to Baystone versus Garfield County***

Mildred - Baystone versus Garfield County due to the error in titling Road and Bridge equipment.

Commissioner Stowe made a motion and seconded by Commissioner McCown to authorize the Chair to sign the titles of transfer to Baystone versus Garfield County; carried.

## **REGULAR AGENDA**

### ***Sign Contract with KVS Information***

Allen Sartin explained the document and requested the Chair be authorized to approve the KVS system.

He explained further that the Treasurer and Accounting System will interface.

A motion was made to authorize the Chair to sign the KVS System by Commissioner Stowe.

Commissioner McCown seconded; carried.

### **PUBLIC MEETING TO REQUEST EXEMPTION FROM THE RULES AND DEFINITION OF SUBDIVISION FOR THE PROPERTY LOCATED APPROXIMATELY 2.5 MILES EAST AND NORTH OF RIFLE ON CR 210, SECTION 2. EXEMPTION WOULD CREATE FOUR EXEMPTION PARCELS OF 12,10,10, AND 10 ACRES IN SIZE FROM A PARCEL OF 42 ACRES MORE OR LESS. APPLICANT: SAM AZEEZ**

Don DeFord, John Barbee, Melody Massey and Sam Azeez were present.

This is an exemption from the definition of subdivision on a 42 acre tract of land located approximately 2 1/4 miles north east of Rifle on CR 210. Access is off CR 210 with a single road easement and cul-de-sac accessing lots 3 & 4.

#### **Recommendation**

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, 25 ft. wide access to a public right-of-way. the 45' radius and 50' right-of-way for the cul-de-sac 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 Site Acquisition Fees for creation of the exemption parcel.

That the following plat note shall appear on the Final Exemption Plat:

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

"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."

"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 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."

"Garfield County has a *Right-to-Farm* regulations, which recognizes the important contribution agriculture makes to this County. Nuisance complaints made against customary and legal agriculture operations and practices will not be pursued."

"Specific geological hazards may be encountered during the placement of structures and septic systems. Site specific analysis for placement may be required."

Prior to the approval of an exemption plat, the applicant will demonstrate that all wells will meet the following:

- a. That a four (4) hour pump test be performed on the well to be used;
- b. A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- c. The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;
- d. 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;
- e. An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- f. The water quality be tested by and approved testing laboratory and meet State guidelines concerning bacteria, nitrates and suspended solids;
- g. If any well is to be shared, a water sharing agreement will be filed with the exemption plat that defines the rights of the property owners to water from the well.

That the applicant, and any future property owners of said property agree to, as a condition of future continued approval of the special use permit, that if, in the future event that the property described by this special use permit, has the reasonable ability to connect with any municipal or centralized water and/or sewer system, the subject property owners shall be required to connect to said service and remove any existing well head(s) and individual sewage disposal system(s) which may be located on said property, within one year of the effective date of service availability."

Repair and maintenance of the access easement shall be the responsibility of the property owners subsequent to recordation of the subdivision exemption.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request of exemption from the rules and definition of subdivision Sam Azeez with all the suggested findings, major issues and 8 recommendations by staff adding condition no. 9 to allow adequate access for the waste ditch between lots 2 & 4 and asked the applicant to pursue the possibility of diversion; carried. The new agenda was passed out for review of the Commissioner

#### ***American Soda to Planning Commission***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to refer American Soda to the Planning Commission; carried.

Don referenced that there were two requests.

Commissioner Stowe amended his motion to include both referrals. Commissioner McCown seconded; carried.

#### ***Pershanna Farms - Approval of the PUD***

John Barbee, Ron Liston, and Don DeFord were present.

John took responsibility for not having published the Pershanna Farms PUD approval.

Ron Liston requested that the record acknowledge that they were here and asked for an extension.  
Don DeFord suggested that it was the County's responsibility and therefore, there is no issue over whether it is timely or not.

Continuance - March 15 - 3:00 P.M.

John Barbee will notice for Pershanna Farms since it is the County's fault.

A motion was made to reset this hearing for March 15, 1999 at 3:00 p.m. by Commissioner McCown and seconded by Commissioner Stowe; carried.

## **COMMISSIONER BREAK**

### ***Spring Valley Sanitation District***

Mildred received the document. Mark will be calling a special meeting.

Mark stated that by statute this is automatically referred to the Planning Commission to review improvements.

This is scheduled tentatively for March 3 or 10 and Attorney Leavenworth has waived the time limit.

Then the Board will set a Public Hearing within 10 days of the Planning Commission.

Don clarified the Board will need to hear it with 30 days. A similar document will be received from Mid-Valley Sanitation District.

Don asked how the Board wanted to review these and advised the Board it needed to be in conformance with the Comprehensive Plan.

Bob Szrot is going to provide engineering expertise.

Financial

Don recommended retaining either a bond attorney or a financial advisor. He shared a letter he received from Attorney Leavenworth and one thing they will entertain is for Blake Jordan to review their financial plan. This is at the County's expense.

Don estimated Blake Jordan would only need a couple hours.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize Blake Jordan to look at the Spring Valley Amended Service District Plans; carried..

### ***Rail Transportation Forum - February 9, 1999***

Victoria Giannola and Commissioner Martin will be attending.

### ***Northwest Colorado COG***

Water quality planning - Walt Stowe will attend; Bob Szrot and Mark Bean as well.

### ***Englund/Moore Final Plat***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Englund/Moore Final Plat; carried.

### ***Amended Plat for Catherine Lawson - Cooperton***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the amended plat for Catherine Lawson; carried.

### ***Amended Simlack Exemption***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to sign the Amended Simlack Exemption; carried.

## **REGULAR AGENDA - CONTINUED**

### ***Continued Public Hearing - Garfield County Building Code on Primitive Cabins Resolution Discussion***

Mark Bean, Don Owen, and Don DeFord were present.

These are to be considered as the Garfield County Amendments to the 1994 Uniform Building Code for Recreational Cabins:

Section 106.31, Application - is amended by the addition of item 8 to read as follows:

8. Applications for Recreational Cabins shall, in addition, include the information required under Section 106.5

Section 106.5 is added and shall read as follows:

Section 106.5 Application for a permit for a Recreational Cabin

Section 106.5.1 Application. In addition to the application requirements specified in Section 106.3, the application requirements of Section 106.5 shall be included in the application for a Recreational Cabin.

Section 106.5.2 Deed Restriction. Required as a condition of the permit is the verification of a deed restriction, the language of which is to be approved by the Garfield County Attorney, which provides for the passing on of the responsibility for compliance with all of the original provisions of the permit to subsequent owners, unless the building is upgraded for full time residential occupancy.

Section 106.4 Definitions as applied to this Section:

Section 106.4.1 Certificate of Occupancy. The Certificate of Occupancy for a Recreational Cabin is to be issued only after building and defensible space have inspected and approved as complying with Sec. 310.14.

Section 106.4.2 Fire safety provisions. Are fire-safety, fire-prevention, fire-management and vegetation management provisions that are in addition to the requirements of the Uniform Building Code for the construction of buildings in areas that have been determined by the building official to be inaccessible. These provisions are contained in the 1997 Urban-Wild land Interface Code published by the International Fire Code Institute, 5360 Workman Mill Road, Whittier, CA 90601 or the most currently accepted code used by local, state and federal fire authorities. If these provisions are in conflict with those required by Federal agencies, State agencies and local fire authorities having jurisdiction, the most restrictive will prevail.

Section 106.4.3. Frost depths, snow loads. Recreational cabins shall be exempt from frost line depth requirements, but will be subject to the applicable snow load requirements.

Section 106.4.4 Inaccessible. Inaccessible, for this purpose, there is no access from a maintained public road to the recreational cabin, except by a private conventional sports utility vehicle with the four-wheel drive engaged for at least one-half mile, for six months out of the year or as otherwise determined by the building official.

Section 106.4.5. Permit application. Is an application for a permit for a Recreational Cabin that includes information addressing all information required by Sec. 3.10.14.

Section 106.4.6 Recreational Cabin. Is a structure intended to be occupied as a dwelling for no more than six (6) months within any calendar year for recreational and/or leisure use. A permit to occupy a recreational cabin is to be issued by the Garfield County Building and Planning department and is to be renewed every five (5) years. A permit for a recreational cabin will only be issued for construction in an area determined to be inaccessible as defined in this document. A recreational cabin is not to be used as a primary or secondary residence.

Section 106.4.7 Recreational and/or leisure use. Uses associated with entertainment, diversion, amusement, leisure or relaxation.

Section 106.4.8 Renewal of Certificate of Occupancy. The certificate is required to be renewed every five (5) years and will not again be valid until it has been re-inspected by the building and sanitation division or by a third party inspector acceptable to the building official and approved for continued occupancy. Inspections by the building and sanitation division shall be on an hourly charge basis.

Section 206.4.9 Sanitation system. Is a sanitation system constructed in a manual consistent with the latest edition of the Guidelines on Individual Sewage Disposal Systems provided by the Colorado Department of Health Water Quality Division, 4300 Cherry Creek Drive, Denver, Colorado 80220-1530.

Section 106.4.10 Water system. Is a water system of sufficient capacity as determined by the building official to insure compatibility with the sanitation system and for the providing of potable water for the period of time the facility is occupied.

Section 106.4.11 Additional definitions: Definitions of other terms not defined in this section may be found in Chapter 2 of the 1997 Urban-Wildland Interface Code.

*The amendment below is for Chapter 3, Section 310 and is to read as follows:*

Section 310.1, Group R Occupancies Defined, Division 2 is amended to read:

Division 2. Recreational Cabins

Section 310.13. Is not used.

Section 310.14 is added and shall read as follows:

310.14 Recreational Cabins

310.14.1 Construction, Height and allowable area. Buildings shall be a minimum of 20 ft. wide and 20 ft. long, but in no case over 1000 sq. ft. in total floor area. In addition, when the building is proposed for construction is in an area determined by the local or State fire authorities to be within an

Urban-Wildland interface area it shall comply with Chapter 5, Special building construction regulations of the 1997 Urban-Wildland Interface Code (U.W.I.C.) published by the International Fire Code Institute, 5360 Workman Mill Road, Whittier, CA 90601 or the most currently accepted code used by local, state and federal fire authorities. These are provisions that are in addition to the requirements of the Uniform Building Code for the construction of buildings and vegetation management in areas that have been determined by the building official to be inaccessible.

310.14.2 Defensible Space and Maintenance of Defensible Space. The establishment of defensible space and the maintenance of defensible space shall be as required by the 1997 U.W.I.C., Sections 603 and 604 or the applicable code provisions.

310.14.3 Spark Arresters. Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used, shall be provided with a spark arrester as required by the 1997 U. W. I.C. Section 605 or the applicable code provisions.

310.14.4 Liquified Petroleum Gas Installations. The storage of LP-gas and the installations and maintenance of pertinent equipment shall be in accordance with the Fire Code or, in the absence thereof, recognized standards and LP-gas containers shall be located within the defensible space in accordance with the Fire Code as required by the 1997 U.W.I.C., Section 607 or the applicable code provisions.

310.14.6 Additional Requirements and Restrictions. Codes adopted or policies defined by the Fire Protection District, the County Sheriff, the Colorado Division of Fire Safety, the U. S. Forest Service or the U. S. Bureau of Land Management having jurisdiction over fire suppression, fire prevention or urban-wildland interface, may, if more restrictive, take precedence over the preceding sub-sections of this section of the Code.

Commissioner McCown made a motion to direct staff to provide a definition in a draft Resolution. Commissioner Stowe seconded; carried. This was continued until March 1, 1999 at 4:00 P.M.

***Recess***

10:00 A.M. February 9, 1999

Commissioner Stowe moved to recess; Commissioner McCown seconded; carried.

Attest:

Chairman of the Board

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**FEBRUARY 9, 1999**  
**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 Monday, February 9, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**CONSIDER ARCHITECT SITE PLANNER FOR JAIL**

Discussion was held in-depth.

Ed Green stated that the actual construction price of the jail will probably be \$11.5 to \$12 million for the construction and Reilly Johnson's fee would be in the neighborhood of \$930,000.

Commissioner Stowe commented that he was worried that starting fresh with a new firm could delay the project.

Chairman Martin added that working with someone who has all the baseline documents will save money in the long run.

Commissioner Stowe moved to hire Reilly Johnson as the site plan designer and project engineer for the jail project.

Commissioner McCown seconded.

Vote: McCown - aye; Stowe - aye; and Martin - aye.

Commissioner McCown said he still has problems even though he voted in favor of the award.

Walking the Site - Rifle

A decision was made to walk the 40 acre site on Thursday, February 11, 1999.

Ed stated the water and sewer infrastructure to the site will most likely cost \$250,000.

***Adjourn***

Attest:

Chairman of the Board

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**FEBRUARY 11, 1999**

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

A workshop was held at Bob Howard's Property in Rifle to consider the potential of locating a jail on the 40 acre parcel next to the Airport.

Those in attendance included: Commissioner McCown and Walt Stowe, Bob Howard, land owner, Bob Johnson with Reilly Johnson; County Administrator Ed Green, Operations Dale Hancock, Deputy Sheriff Jim Sears, Jail Coordinator Dan Hall and Clerk and Recorder Mildred Alsdorf.

Bob Howard mentioned the site for the water tank on the hill and that he had placed stakes in the ground . There would be 800' frontage and showed a diagram of how he thought the property could be used. He has a survey he can give to Sam Phelps. Commissioner McCown mentioned using land under the power lines for parking. Bob Howard said he would contact Public Service.

Commissioner McCown suggested to put the jail to the back of the lot and keep the front acreage for other construction of County Offices.

Bob Howard had ordered a 2" topo and will give Sam a copy. He also agreed to check out the drainage plan as it is now a historic flow. Bob Howard works with Pat O'Conner of Banner and Associates out of Grand Junction. Bob also uses Schmeuser, Gordon, Meyer.

The road easement with Amaya stays in place and it is a 15' easement.

The proposed building would possibly be a 2-story building with administration using the lower floor and the jail above.

There are draft covenants on the property but the County would be exempt. The County and Bob Howard would agree to fundamental landscaping.

Bob Howard committed to obtaining aerial photographs and giving them to Ed Green.

Direction to Staff

The Board directed Ed Green to begin planning on what needs to be done regarding the property acquisition.

Attest:

Chairman of the Board

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**FEBRUARY 16, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, February 1, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**COUNTY ATTORNEY'S UPDATE**

Don DeFord gave the following report:

After researching the County still has an existing dog Resolution in place and it is contrary to what they thought.

There is no agreement for housing dogs or impounding and no funding for a law enforcement officer.

Don also mentioned that animal enforcement was not in the budget and suggested one possible solution would be to repeal the Resolution and look at it the course of the budget year for 2000.

The current Resolution #90-27 addresses animal at large, requires impounding nuisance dogs, quarantine of dogs who have bitten or injured any person so as to cause an abrasion of the skin, destruction of vicious dogs, and addressed enforcement and penalties for violations.

Discussion was held

Agenda item was set on the Commissioners schedule for a Worksession and decision for March 1, at 11:30 A.M.

***Proposed Lease - District Attorney***

Don stated the District Attorney has mentioned concerns raised by Pitkin County and Rio Blanco with regard to a proposed lease arrangements. There were certain provisions that Mac Meyer didn't want to sign. Don suggested to agree with the an arrangement to lease the space. This develops a method of transferring funds.

Don and Allen will work this out and propose it to Mac.

***Executive Session - Claim Pending - Fairgrounds***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

***Steve Anthony- Weed and Pest Management Manager***

Mark outlined and briefed the Commissioners of the responsibilities of the County to house chemicals used to spray weeds.

Bob Szrot and Steve Anthony will work together on a solution.

***Jail - Option of staffing Construction Management in-house***

An analysis was done and discussion was held as to having management in-house versus contracting out.

Commissioner McCown moved to proceed with in-house engineering and to advertise for Bob Szrot an Assistant Engineer to help with all the projects.

Bob would be the contract person for construction management. Bob would be the central vocal point to make sure that tasks were together.

**COUNTY ADMINISTRATOR'S UPDATE**

Ed Green provided the Board with an update on the activities within the County.

***Jail Project Schedule***

Ed presented a Diagram Chart showing all the activities on a big picture. He explained the time line as to how these must occur within the diagram.

There are eleven key events - pre annexation, contract with R/J, construction management resources, purchase of the land, planning and programming by R/J - preliminary joining, Airport site updates, structural updates, financing and awards of contracts. This will take approximately 5 -6 months. Bob Johnson, Don and Ed discussed the details of the agreement. They agreed to start with a letter/contract and basically this would pump a certain amount of money into this mutual agreement. It would have a ceiling amount specified.

Don asked for Board approval to proceed with the letter of contract to proceed with the work scope that has been defined in this proposal.

A motion was made to have Don continue with the letter contract not to exceed \$44,000 plus \$2600 in reimbursable by Commissioner Stowe and seconded by Commissioner McCown; carried.

#### ***Existing Jail Modifications***

Bob Szrot presented the approach for the detox center at the existing jail site.

Commissioner McCown suggested proceeding in that fashion if Bob felt the construction people would feel comfortable bidding on it that way. He suggested that Bob see what interest was out there and go ahead and issue an RFP on it.

Don DeFord mentioned that there is an issue concerning this and he needed to discuss it with the Board in an Executive Session. He therefore requested the motion be made subject to receiving legal advice.

Commissioner Stowe so moved. Commissioner McCown seconded. Motion carried.

#### ***Executive Session - Personnel Issues - Legal Advise - Claim at Fairgrounds - Detox Center***

Commissioner McCown so moved to go into an Executive Session, Commissioner Stowe seconded; motion carried.

Commissioner McCown made a motion and Commissioner Stowe seconded to come out of Executive Session; carried.

#### ***Meeting with Rifle City Council***

May 22 was determined to be the evening meeting at the Fairgrounds between 6 p.m. and 8 p.m. with dinner being served.

#### ***CMI - Boulder***

Dale, Ed and Tom will be meeting with CMI in Boulder to discuss Community Corrections.

### **LIBRARY BOARD RESOLUTION TO DISTRICT**

Jaci Sphuler and Darlene Merritt were present.

A draft Resolution was presented for the Commissioners to review. Jaci added that this is not officially signed.

Library District supported by a mill levy based on a property tax. More stable funding based on the growth. Be on the ballot - November 1999. Looking for the bonding requirement be waived and the election cost be paid by the County then billed back if it passes and looking to see if the three Commissioners would support the increase.

Don stated the Resolution needs to conform to the Statutes. Procedurally we need to have a Resolution in place that the Commissioners want presented to the public first. Then you have to provide published notification and conduct a full public hearing between 30 and 60 days after that notice.

Darlene Meritt - thanked the Board for working with the Library and fixing the roofs.

### **CITIZENS NOT ON THE AGENDA**

Doug Lawyer -905 Fairview Drive, Glenwood commented on Affordable Housing. It turned out to be a misunderstanding on his part after the Commissioners explained the process. Commissioner McCown assured Mr. Lawyer that Affordable Housing would not cost the taxpayers anything -- no tax money is going into this program.

Jim Foster of 1521 Panorama - Carbondale was present but did not want to express any opinions.

### **WORK SESSIONS -- AIRPORT DISCUSSION/DECISION**

Melody Massey, Carolyn Dalghren, Allen Sartin, Ed Green, Klaus Schattleitner, Barry Hamilton, John Newton, Tenants Jack Boyd and Paul Hoffman of Corporate Aircraft were present for the discussion and decision on the Airport Authority Board versus the Airport Advisory Board.

Former Board Member James Foster of 1521 Panorama in Carbondale was also present.

Carolyn Dalghren presented the various documents and reviewed the contents explaining Exhibit A - Defining the Job of the FBO; Exhibit B - Manager's Services listed; and Exhibit C - dealing with the rent per sq. ft. for the hangar on Parcel B.

Klaus Schattleitner, representing Chairman of Airport Authority, stated there are larger issues right now than negotiating agreements and straightening contracts. In the 1999 planning they had goals to clean up of all existing contracts and leases. He said if the Commissioners want to make the change, they owe the Board to at least raise the questions.

Commissioner McCown clarified a 'through the fence operations' regarding the institutions of having negotiations with Mr. Howard, that he was not aware of anything other than purchasing property for the county facility center. If there is something else going on, the three Commissioners are now aware of it. Chairman Martin indicated that the Authority Board was shown as just that - an authority -- when in fact they were not. The County is actually the ones who negotiate with the FAA and are responsible for funds that come to the Airport.

James E (Jim) Foster 1521 Panorama Drive, Carbondale - stated for the benefit of the record that the purpose of his visit here today is to provide testimony to the present Airport Authority, the Commissioners, the management of the Garfield County Airport as he gleaned information over the period of time he was both a Board member and Chairman. The reason that Jim is here today is, not prior to today, talked to any one at the County, but he has read the newspapers regarding management speculation for the Airport and as one who brought the possibility of having County Airport Manager to the Commissioners, over two years ago. His expertise can convey to the Board regarding this position.

Klaus - the reasons that he is here today, not talked to any Commissioners, any staff.

Reading the newspapers regarding management. To add to what Klaus had to say, he asked the Commissioners what happens after Chuck leaves? The reason he did that was to emphasize the fact that the Board's complete coordination with the County was carried on by Chuck who attended every meeting and took it upon himself as directed by the Commissioners to do all the coordination and correspondence. Chuck would give the Authority Board information and it was a two-way street much better than what it was after he departed. Since Chuck left the County the Authority has tried to muddle through and find out where they were in regard to the Board operating the Airport itself. Jim said he made no bones about it, the time has come when

Garfield County needs to provide a manager's position at the airport. He said he's been involved in the grant procedure and was responsible along with Chuck for the \$800,000 received for repainting, etc. \$20,000 from the State in conjunction with that.

Jim continued by saying to his knowledge there was no vested interest that any of those on the Authority Board have at the Airport. Any kind of changes that the Commissioners are going to make will ruffle some feathers -- Jim did that himself. After Chuck left, Barry Hamilton coordinated the budget with Allen and spend endless hours. Therefore, if the Commissioners decide to keep the Authority Board, there will be a lot of new requirements on them that were not outlined. Chuck did all of this for them.. He summarized that the Board has the best interest of the Airport - the time has come to provide an administrator.

FBO - Paul Hoffman, Partner and Owner of the FBO - Handed out a list of all the things that they provide at Corporate Aircraft Services. It is not normal for an FBO to provide Airport Services such as management or facility work such as runway 139, 107 which all revolve around the operation of the Airport. It was not their original intent forming Corporate Aircraft Services, but back in 1985 they did it to aid the Airport in it's development and through it's financial woes. Total fuel sales in 1984 were around 70,000 gallons and today they are over 1/2 million. The purpose and intent has always been to aid the county and what they've basically done in 14 1/2 years is maintain the facility, all the legal perimeters for 139 which is air carrier operations for the airport and 107 which is security for the Airport. They've generated manuals for the 139 and for 107. They've done all the FAA liaison work in that regard and have had limited involvement in the budget when the years of Chuck Deschenes with the County. But they have been involved extensively with the FAA and probably a major force in getting the first instrument approach into the Airport which is what is really making the Airport successful. The goal today is simply to do what's best for the Airport. They want to help the Airport grow and have a lot of experience with taking care of the facility for the County for about 15 years and know what's going on.

Paul added that the FAA will tell the Commissioners that Garfield County Airport is one of the cleanest and best run Airports that they have in the Northwest Mountain Region. Paul said he and his staff are real proud of that.

Paul submitted the last 6 months on 139 consisting of daily logs on what is done, daily checks to daily fuel quantity and maintenance checks of trucks/fuel farms -- both Corporate Aircraft and Garfield County. The daily inspection of pavement, cracks, bumps, foreign obstructions and debris on the runway, taxi ways, etc. Safety areas making sure there isn't a rut over 2" 50 feet of this or that and 360 feet this way, etc. The list goes on. The inspections are done both by Phillips, Corporate Aircraft, FAA and the local Fire Department checking from fuels to cleanliness to safety regarding bonding, etc. Annual fuel training for all employees -- documented. Paul mentioned that major executives and companies flying into this Airport all the time. You don't want to give up that safety. President Ford was there four times in September. Clinton has been there; Bush too. Major CEO's and safety must be maintained regardless. They also provide back-up weather observers - certified. There is a contract with the National Weather to maintain to provide certified weather observers. CAS does that.

Paul stated they do all the table tops with Guy Meyer at the County for disaster drills. Annual table tops and every three years a tri-annual drill where they get as many agencies involved as possible. The FAA just completed an inspection for the 139 division last week. The Airport received a 100% passing rate and very seldom do you ever see that.

Back to the issues at hand, Paul said he worked with the Airport Authority Board since 1984 when he started bidding on the FBO. This Airport has been granted more federal funds for an Airport with this number of operations and size as any Airport in the Western Slope of Colorado over the last 12 year period. Fuel sales are up and the county makes money off of this. There are companies who want to build hangars. There's a whole lot of developable land to the east and west so future land is available at the Airport.

The concerns here for all of us are that the Airport become successful and more self-sufficient. Very few Airports are self-sufficient. The PUD is a good idea in order to know where someone can build. There's prime commercial development area left; they have a design plan for the remainder of Parcel C that they would like to act on very soon.

In order to accomplish these things, it does require some administrative operational management somewhere. Paul said he hopes they retain an Authority Board however he said he has always perceived them as an Advisory Board. Now there is very little communication from the Commissioners due to your full plate, the current Airport Board has been put in a position of trying to make decisions on their own and some of those the Board may not agree with. Whatever we do, if there is some sort of Airport Board maintained, he said he hopes scheduling one or two meetings per month with the Airport Board and the Commissioners so topics can be discussed -- such as hangar development and PUD's.

Paul commented the Authority Board on a great job. He added that the FBO either continues to work with the Authority Board spelling out their duties or the County hires a manager and a staff or a manager that works with the FBO. He requested to know specifically what his duties will be in the new restructuring. He reminded the Board that he was on a month to month contract with the County to take care of the Airport.

Paul said he feels the Airport may be the golden door to this community. People do travel by air. Eventually commuter service will be located at the Rifle Airport. The FAA is starting to think that is going to happen given the congestion at the surrounding airports. This was the original intent of the Garfield County Regional Airport.

Commissioner Stowe commented that the problem of having an Authority Board in-between is a division of powers -- who does that Airport Manager report to. The Commissioners need that person reporting back to us at least through a lifeline. Otherwise, that person would have questions as to where and who is giving directions. The Commissioners can not take on the responsibility of running the Airport. If they hire the right Airport Manager and have an Airport Advisory Board to work with that person, then all these things can happen. The ultimate is that the buck has to stop somewhere and that's the purpose of doing away with the Airport Authority Board. It's not that they want to stomp on anyone's toes, and want to keep them as an Airport Advisory Board because of their expertise and knowledge of dealing with this Airport.

FAA's vision for Garfield County Airport from his standpoint to make it a functional operation and competent Airport is to look more at bringing in freight, private aircrafts -- he's not seeing commuter air traffic as happening in Garfield County -- it may but Rifle is not a designation place at this point. Unless Aspen and Eagle overflows, he didn't see Rifle as becoming a commuter designation Airport.

Jim Foster - commented that they do not have to stay at the same levels of the 139 - this is the kind of thing that the manager will determine and make decisions on - not a 24 hour per day 7 days a week. Many are unattended after the hours of darkness. Paul has done a great job - he delegates the authority - but things do not get done - some fell through the cracks with the change in administration.

Jack Boyd - DBS Helicopters - said they are the only entity that agrees to put an administrative administrator on the airport. Large investment to do the day to day operation as they read it. Rules should not change and his concern is the communication -- he felt a manager will help.

Jim Foster - Jack and his group has spend a lot of money at the Airport - - i.e. gates - no full- time person to keep up with the contracts and commitments to his group.

Commissioner McCown mentioned that he personally did not want to lose the history and expertise that this Authority Board and the current members provide. He sees the need for a manager. In disbanding the Authority Board, what has to take place to maintain an Advisory Board? This is critical for the transition and continuity of this individual whomever he or she may be that is chosen as a manager rather than just throwing them into the fire with no history or background.

Don DeFord said to disband the Authority by State Law is a simple process. You simply notify the Division of Local Affairs in writing. After that the Commissioners can establish an Advisory Board much like they have other Boards as they are allowed to establish any Board they chose for the purposes of getting advice and direction. This is accomplished by Resolution.

Chairman Martin said he also favored having an Advisory Board and control through a manager.

Commissioner Stowe made a motion to direct the County Administrator to seek someone to fill the role of Airport Manager and at the same time disband the local authority and pleading with them and acknowledging their importance to Garfield County that they stay on in whatever advisory capacity the Commissioners can hopefully steer in the future.

Commissioner McCown seconded the motion.

Discussion was held.

Commissioner Martin asked if there would be review of the FBO's contract for services included in this?

Commissioner Stowe mentioned the FBO services as Carolyn Dalghren outlined called for the new manager talking with the FBO in time but certainly didn't want to lose the services of the FBO.

Chairman Martin mentioned these services needed to be refined and spelled out so everyone knows their responsibilities and obligations. When the job description is written for the new Airport Manager he felt it was necessary for Paul Hoffman and Allen Sartin to be involved in that process.

Don asked for clarification on the motion -- is the intent of the motion to disband the Authority immediately?

Commissioner Stowe said that was the intent. Commissioner McCown agreed it was the intent of the second on that motion as well.

Don verified that when the letter is sent, it is done but the question he was raising is do you want to disband it before you have the opportunity to hire and have in place, a manager?

Commissioner Stowe clarified how long it would take to accomplish the hiring of an airport manager.

Ed said he would need until approximately April 15, 1999 to get this in place.

Klaus Schattleitner mentioned that it would better for the Authority to stay on board at least a month due to housekeeping problems -- bills and such that needed to be approved. He said they would be willing to help the Commissioners in that manner.

Commissioner Stowe amended his motion to keep the current Authority Board on line for a period of up to 60 days until a proper staff person can be located to fill the position of Airport Manager.

Commissioner McCown amended his second.

Vote on the motion:

Stowe - aye; McCown - aye; and Martin - aye.

### ***Executive Session - Airport Manager Board***

A motion was made to go into an Executive Session to discuss the Airport Manager's Position by Commissioner Stowe and seconded by Commissioner McCown; carried.

A motion was made to come out of Executive Session by Commissioner Stowe and seconded by Commissioner McCown; carried.

### ***County Attorney's Office Time Allocation and Director***

Commissioner McCown said he would like Carolyn Dalghren to contract the County Surveyor, Sam Phelps to secure the legal descriptions for said buildings to be placed or wanting to be placed on the Airport.

Pursue this and existing properties -- also for Don DeFord to advise Jim Leuthueser to go to 32 hours per week to pick up some of the load that Carolyn Dalghren is leaving by devoting more time to the Airport.

Don suggested to incorporate this into the first supplemental that will be requested in March.

Commissioner Stowe seconded the motion.

#### Discussion

Ed Green asked about the Airport Manager.

Chairman Martin said this only included the County Attorney's Office in this motion.

Vote - Motion carried.

#### ***Airport Manager - Direction***

Don DeFord mentioned this was a professional services agreement under the structure that Ed Green presented and would not be an employment of staff so the Board can handle it this way. However, the Board expressed the desire to meet with the person Ed selected before the appointment was made.

A meeting in March was determined when the Board would meet with a potential candidate -- Richard Arnold -- for the professional services agreement.

Don suggested he would have a contract ready for signature in case this worked out.

Commissioner McCown mentioned he would like to see the hours in the contract not to exceed the two figures discussed.

#### **CONSENT AGENDA - PAYMENT OF BILLS**

Chairman Martin presented the bills and asked for discussion or the need for specific questions.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the bills for payment as submitted; carried.

#### **BID AWARD - CMP, DECKING AND GUARDRAIL**

Mike McBreen and King Lloyd presented the bid for the GMP, decking and guardrail.

Bidders included:

Adams Culvert

Big R Manufacturing

Contact

King said they would recommended the Adams Culvert proposal.

A motion was made by Commissioner McCown to award Adams Culvert bid for \$8395.66 for the 40 of 96" Annular Culvert Pipe Guardrail 150 ft. and 266 ft. of .24" wide 10 gauge galvanized bridge plank ; carried.

#### **BID AWARD - MOBILIZATION OF TEMPORARY BRIDGE**

Mike McBreen and King Lloyd presented the bills.

The bidders included: Webb Crane

A motion was made by Commissioner Stowe to accept the Webb Crane bid. Commissioner McCown seconded the motion; carried.

Discussion Items:

CR 103

CR 212 - Guardrail

Parachute Truck Route - King sent him a proposed remedy. Tom Beard was copied.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Social Services.

A motion was made to come out of the Board of Social Services by Commissioner Stowe and seconded by Commissioner McCown; carried.

#### ***Legal Services Contract for Social Services***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the contract effect January 1, 1999 through the County Attorney's office not to exceed \$90,000; carried.

#### **PUBLIC HEARING APPLICATION FOR APPROVAL OF A ZONE MAP AMENDMENT FROM A/I - AGRICULTURAL INDUSTRIAL TO C/G - COMMERCIAL GENERAL FOR THE PROPERTY LOCATED 1/2 MILE WEST OF SILT ON HIGHWAY 6 (FORMER GARFIELD LIVESTOCK BUILDING) APPLICANT: PORTER S. TOFT**

Don DeFord determined that notice was stricken for lack of publication and notification.

Commissioner Stowe moved to cancel the Public Hearing for Porter S. Tolf. Commissioner McCown seconded.

Don mentioned that Mr. Toft would need to reapply should they so desire. Motion carried.

***Leases***

Colorado West Mental Health - \$838.00 per quarter in the Taughenbaugh Building for Suites 3 and 4. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the lease with Colorado West mental Health; carried.

***Special Use Permit - Wayne Rudd***

Purchase of the property by Wayne Rudd. Water storage for the Sander's Ranch. John Barbee explained the process Mr. Rudd would be taken. A motion was made by Commissioner McCown and seconded by Commissioner Stowe to allow the Board of Commissioners to hear this; carried.

***Placement in the Floodplain - Brad and Teresa Faber***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to refer this to the Planning Commission; carried.

***Special Use Permit - Charles Griffith***

Accessory Dwelling unit for Charles Griffith. The Commissioner's stated they will hear it.

***CUP - Rocky Mountain Baptist Church***

This to be a public noticed hearing but the Commissioners will hear it without being reviewed by the Planning Commission.

***Accessory Dwelling - Special Use Permit - Arts and Crafts Studio - Sutank Area - Dillion Bolderston.***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to refer this to the Planning Commission; carried.

A motion was made to go into the Board of Health by Commissioner McCown and seconded by Commissioner Stowe; carried.

**BOARD OF HEALTH**

Lisa Pavlisick and Mary Meisner gave the report.

Lisa presented the CSBG (Community Service Block Grant for Garfield County) mentioning there was an increase since the application was submitted by \$105. Total of the Grant is \$28,980.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the grant amount of \$28,980; carried.

***Debt - Payment***

Lisa gave the 1998 Annual Statistics for Health Beginnings stating that the 1998 enrollments were 214 and deliveries 158. In 1991 there were 113 enrollments and 39 deliveries. For 1999 she projected an enrollment of 225. Enrollment was stopped in August of last year due to budget constraints.

***Contracts***

CMC Nursing Students

RN Candidates are being used this year. Ed and Don have reviewed this.

***Public Health Nursing***

Commissioner Stowe moved to approve the signature of the Chair on the two contracts through CMC for Nursing RN students and Healthy Beginnings. The term of the agreement is for one year. Commissioner McCown seconded the motion; carried.

***Roaring Fork School District***

Lisa explained that this is for Med-Prep/Health Occupations Education in the Roaring Fork School District. It is part of the school to career program. She explained that students observe procedures to see if they are interested in pursuing this type of a career.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the signature of the Chair to sign the agreement between the Roaring Fork School District, Glenwood Springs, and Garfield County Nursing Department and Healthy Beginnings; carried.



### ***WIC Contract***

Resolution - Change Order Letter

Mary submitted the original contract. This increases by the contract by \$3,527 and it is a change order. A motion was made by Commissioner Stowe and seconded by Commissioner to approve a Resolution to increase the current WIC contract by \$3,527.00; carried.

### ***Program Updates***

Mary said that all programs are doing well.

#### ***Staff Meetings***

Monthly meeting have been changed to management meetings and then staff meetings within their own areas. A quarterly meeting will be scheduled.

#### ***Ten County Grant - Clinic***

The ten counties participating are: Moffat, Routt, Jackson, Grand, Eagle, Garfield, Rio Blanco, Clerk Creek, Pitkin and Summit. Kay McDonald is the Grant Manager. Kay will pull all this data so that a grant can be written to target the areas and the types of injuries being reported.

#### ***Pediatric Task Force***

A meeting was held Friday with Ed on Friday to discuss the progress being made in looking at a community health center in this valley. Diane Wittenhouse will come to the next Board meeting to provide an update. They are willing to work with public health but they will be looking with underinsured, Medicaid patients. They are writing for a federal grant. Mary felt this had a great chance of approval. These would be federal dollars for startup. They are asking for a letter of support. The CMC Nursing Students are looking into some research information.

Diane will be here on March 15, 1998.

#### ***Mid Valley Clinic***

Mary reported this opened and serves the prenatal patients.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Board of Health; carried.

### ***RFRHA***

Direction for Victoria Giannola

She was directed to attend RFRHA meetings only as directed by the Board of County Commissioners.

### ***Access Committee - RFRHA***

Chairman Martin will attend and excuse Bob Szrot due to the number of meetings he had with the Watershed Committee and other engineering functions.

City Hall - Carbondale - February 16, 1999 - 7:00 P.M.

### ***Titles - Motor Vehicle***

Road and Bridge

Preauthorization had been given for the Chair to sign the Titles.

## **REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW A HOME OCCUPATION FOR THE PROPERTY LOCATED AT 3716 CR 214, SILT, COLORADO. APPLICANT: GREG AND CONNIE SELVAGE**

Don DeFord, John Barbee, Greg and Connie Selvage were present.

Don determined there was adequate publication and notification and advised the Commissioners they could proceed.

John stated that this is a request for review of a Conditional Use Permit to allow for a Home Occupation for Greg and Connie Selvage on 2 acres located at 3716 CR 214 Peach Valley Acres in Silt, Colorado. This resulted in Steve Hackett noting a violation.

The applicant is requesting a home occupation to allow for the storage and off-site sales of flowers from their home. Recommendation:

Staff recommends APPROVAL, with the following conditions of approval:

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 Conditional Use Permit shall be issued when all conditions are met, and shall expire 180 days after issuance unless the structure has been constructed. Extensions can be granted by the Board of County Commissioners.

The applicant shall be limited to the hours of operation, number of off trips and current level of operation as indicated in the application. Any expansion of the use shall require Board approval.

The applicants said they are not listed in the telephone book. They have been doing this for approximately 10 years.

Commissioner Stowe made a motion and Commissioner McCown seconded to approve the Conditional Use Permit to allow for a Home Occupation with the recommendations as noted by staff for Greg and Connie Selvage; carried.

### **CITIZENS NOT ON THE AGENDA**

David Sturges - 1310 Riverview Drive- Glenwood Springs commented on the jail being moved to Rifle. He called it an Accountability Issue. The goals of the Commissioners are to act as stewards of public funds and make decisions in ways that reflect those stewardship. He believes this is not a goal that they have met in view of the public's opinion.

The importance of roads and all the phone calls they received.

David said that Law Enforcement is an obvious responsibility and includes the jail. From his perspective he has seen evidence for the preservation of agricultural. In the public's mind there is a real concern to locate the Jail at the Airport property in Rifle. He urged the Board to move cautiously. The jail is not an economic tool and the taxpayers who will be asked to pay extra money for the jail need to know that. He hopes the process they are working on will be public noticed. Discussions about sources of revenue and standards. He still believes they were elected by the public and do the best with those dollars and there is an open question now. The feedback from people is that they do not see this as a great choice. There are a lot of people who are not happy with this Board's decision about the jail. He personally cannot see their decision. It is important to show the taxpayers how sources of revenues will be justified. He asked then to get out and pool the people. There is a need to show the people the justification for doing this. He added that on November 16, 1998 there was a whole room of people. He wrote down the names of those who attended. Outside of the City Council and Staff or City Council - no serious support for this decision from Rifle residents. Another concern is not to play cities against one another. The City of Glenwood Springs and Town of Carbondale may have a right to be upset. He agreed to poll the citizens of Rifle if they are willing to pay the price for this jail to be built in Rifle. He asked the Board to be updated. The idea of accountability and the interest of the taxpayers is not going away. This is a very significant area. Anticipating where growth is going to be is not the way to decide where the jail is going to be. This has been an issue for 20 years.

The future decisions need to be weighed carefully. Every dollar spent on this jail will be a dollar lost to Road and Bridge and the Sheriff.

Commissioner McCown said they have not heard anything from Glenwood or Carbondale regarding the decision of the jail. He asked the stumbling block to building a jail.

David Sturges said he thought it was about money and trying to find balance in the County for services. He termed this as the overriding issue.

Commissioner Martin met and talked to Glenwood and Carbondale and they couldn't find it a solution of land use.

David Sturges asked that the Commissioners give this decision further consideration.

Chairman Martin said the reality and the decisions that were before the Commissioners were the issues they considered. He mentioned they need the cooperation of the Town of Carbondale and the City of Glenwood Springs.

Commissioner Stowe said they were buying 45 acres of land for under \$400,000 was a good price not only for the jail but for Road and Bridge, social services and other county services.

### **REQUEST FOR AMENDMENT OF A SPECIAL USE PERMIT FOR TIMBER HARVEST IN THE R/L ZONE ON 960 ACRES LOCATED IN SECTION 29, 30 AND 32, 10 MILES SOUTHWEST OF RIFLE, COLORADO, 6 MILES SOUTH OF RULISON, COLORADO BETWEEN CACHE CREEK AND COTTONWOOD CREEK. APPLICANT: JOAN L. SAVAGE**

Don DeFord, John Barbee and John Savage were present.

Don verified adequate notice and publication was in order and advised the Board they were entitled to proceed.

Exhibit A - Returned Receipts B - Publication C - Staff Report and Attachments and Exhibit D Resolution No. 94-111.

Chairman Martin swore in the speakers.

Exhibit E - Letter from Gary Martin was submitted for the record.

Chairman Martin entered Exhibit E.

Exhibit F - Letter from Mr. Bernklau.

Chairman Martin entered Exhibit F into the record.

Exhibit G - Second letter from Mr. Bernklau.

Chairman Martin entered Exhibit G into the record.

John Barbee said this is a reissue of an approved Special Use Permit for a commercial logging operation for Joan L. Savage on 960 acres located between Cache Creek and Cottonwood Creek.

***Recommendation:***

That the Planning Commission recommends APPROVAL of the proposed commercial logging operations as a natural resource extraction operation, 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.

That all timber hauling on county roads be on Monday through Friday, between the hours of 7 a.m. and 7 p.m.

The haul route for timber and other overweight service vehicles will be CR 329 (Spruce Creek Road) to County Road 320 to County Road 323. Additionally, an overweight vehicle permit shall be acquired for each vehicle needing such permit.

Resolution 94-111 shall be repealed at recordation of the special use permit.

County Road 329 shall be posted with a 30" x30" highway standard spec. "Heavy Truck Traffic Ahead."

County Road 329 shall be treated with a dust palliative as required by the County Road and Bridge Department.

The applicant shall provide a haul route road bond in the amount of \$219,500.

All hauling trucks used in conjunction with the special use permit shall be equipped with on board scales.

The applicant shall comply with all posted road closures as may be required by the County Road and Bridge Department.

That the permit shall be required to continue all agreements verbal and written as approved with the initial permit as approved as Resolution 94-111.

Access is on County Roads 323, 329 and 320.

The Total bond for the haul route is 4-4650

Gary Martin said that he has been in the oil and gas industry and in Rocky Mountain area for 18 years. Oil and gas is considerable and his main concern is we have an over abundance of trucks on the road. He sees a major collision and pollution. The oil and gas trucks weigh 1/2 of the logging trucks and should not allow the timber industry to go down this road. On CR 320, last year the road base was not done and is only chip and seal. The environment issues of CR 329 is a major concern with him.

Commissioner McCown said the only reason the small section of road without road base was due to the County ran out. He could see the need for some turnouts and the Board has required that in the past. Safety hazards can be mitigated with turnouts.

John said no harvesting from August 13 to November 15 due to hunting season. They try to do winter logging and less traffic in the winter than in other weather.

John Savage they get weight tickets on every load taken out. They will be glad to be in compliance based on the load tickets. 80,000 pounds is about all you get on the truck.

Commissioner McCown moved to close the Public Hearing. Commissioner Stowe seconded the motion; carried.

Commissioner McCown moved and Commissioner Stowe seconded to approve the request for amendment of a special use permit for timber harvest in the R/L zone for Joan Savage striking No. 8 and changing it to read - "random samples of weight tickets need to be supplied to Road and Bridge. And Add No. 11 - work

with Road & Bridge on turns and work with Road & Bridge on CR 329 as needed. The other conditions as recommended by staff were left in place; carried.

#### **UPDATE ON THE INSTITUTIONAL CONTROLS PROJECT WITH DOE**

Public Health Director Mary Meisner, Davis Farrar representing the City of Rifle. Advise said the City was taking the lead on this to develop some controls. There are two sites in Rifle - the old Rifle site slightly east of Hwy. 13 owned by the State and the new Rifle site where the union carbide was located. There is a plume of contamination and they have done some test bores. The goal is to keep people from drinking that water. Davis has worked with DOE for several months. The water entering the Colorado River is extremely insignificant and can't test for it. Over a hundred years it will flush itself clean. None of the underlying zoning is proposed to be changed but if you are in this area a safer reasonable potable option will be in place. The purpose of the meeting today is to update the Commissioner. On 2/5 they had a meeting with various State Agencies and sat down to sort through some options. Taking City of Rifle water to the site is one possibility; hauling water was looked at; restricting wells for human consumption but allowing them to be used for livestock and industrial consumption; a water system that is treated. At this point they are sorting through the options and pros and cons. Garfield County governs the land use for this property. The next meeting will be the 10th of March. Mark Bean will be attending and receiving the minutes. The goal is to come up with a plan to keep people from drinking the water. He said they are working to identify the plume. DOE is the lead agency in the entire process but Rifle has taken the initiative.

Wendy Naugle from the Department of Health was in phone conference in this meeting. Weather conditions prohibited her from attending the last meeting.

Advise said they would like to keep the County in the loop and property owners to assist in developing a solution.

#### **REQUEST FOR A SPECIAL USE PERMIT ALLOWING OPERATION OF A WATER DISPOSAL FACILITY AS APPROVED AS RESOLUTION 96-21, FOR THE PROPERTY LOCATED AT SECTION 26, CR 219, 1 MILE SOUTH OF THE GARFIELD COUNTY AIRPORT, RIFLE, COLORADO. APPLICANT: BALLARD PETROLEUM**

Don DeFord, Mark Bean, John Barbee and a representative of Ballard Petroleum.

Don determined that adequate publication and notification was reviewed and it was determined that the Board was advised to proceed.

John Barbee submitted the following Exhibits: Exhibit A - Returned Receipts; Exhibit B - Proof of Publication; and Exhibit C - Staff report and attachments.

Exhibits A - C were admitted into the record by Chairman Martin.

John Barbee said this is a request for review of a Special Use Permit to allow for the transfer of responsibility by Ballard Petroleum LLC on 40.5 +- acres with access onto CR 319.

#### ***Recommendation:***

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 Planning Commission, shall be considered conditions of approval.

That the operation of the facility be done in accordance with any federal, state or local regulations governing the operation of this type of facility.

That the operation of the facility be in accordance with the provisions allowed within the Surface lease agreement signed by the applicant (Lessee) and the Landowner (Lessor).

That the applicant comply with the provisions of the National Fire Code as it pertains to this type of facility.

The issuance of the special use permit requires that the applicant provide to the County Engineer, at their expense, annual review of water chemistry, at such time freestanding water is in the pit.

Evidence of water contamination shall require that Ballard Petroleum shall be required to address and mitigate the contamination.

The County reserves the right to hire outside expertise, at the applicants expense, to investigate any possible water, air or other physical contamination on or off site as may be attributable to the use.

That the facility is for the sole use of Ballard Petroleum. Additional uses of the site shall require additional review of the special use permit by the Board of County Commissioners.

The applicant shall continue to maintain the site in a manner consistent with the permit as issued under Resolution 96-21.

Ballard Petroleum shall provide to the County a site rehabilitation plan.

Commissioner Stowe moved to close the Public Hearing. Commissar McCown seconded; carried.

Commissioner Stowe moved to approve a Special Use Permit to continue the SUP with all the recommendations presented by staff; carried.

### **HUMAN SERVICES PROFILE**

Lisa Pavlisick and Deb Stewart were present.

The meeting scheduled for April 7 will be at the Hotel Colorado for staff, volunteer and youth with one being named as the volunteer of the year for 1998.

Deb presented the handout representing the profile. The seniors in Rifle invited the Board of Commissioners to a breakfast for the seniors.

The Van dedication will be February 23 at the CMC College. The dedication will be at 1:00 P.M. and the luncheon is at 12:00 P.M.

The profile was started to inform the citizens of Garfield County. A history of the Commission and who and why are selected to serve.

This profile includes a summary of services provided by the agencies.

A list from 1998 was included for the Board to compare with this new year's projections.

There are 225 people working in the Human Services field.

A lot of these services require volunteers and Deb included information and applied a dollar value to the services.

The majority of this information came out of grant resources requests.

This document will be presented at a foundation in Leadville on February 27, 1999.

### ***Battlement Mesa Project - Electronic Funds Transfer***

Ed noted for the record that there was an electronic funds transfer - Battlement Mesa Project for \$10,309.00

Ed said this was a pass-through.

### **Meeting with Bob Johnson on the Jail Issue - Friday - 8 A.M.**

#### ***Recess***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recess until Friday February 20 to meet with Reilly Johnson on planning issues; carried.

Attest:

Chairman of the Board

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**MARCH 1, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 1, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**COUNTY ATTORNEY'S UPDATE**

Don DeFord requested an Executive Session for later in the morning.

**CONSIDERATION OF RESOLUTION DISSOLVING AIRPORT AUTHORITY BOARD**

Carolyn Dalghren and Don DeFord presented the draft resolution dissolving the Airport Authority Board. He stated this would be effective as of March 1, 1999 and all property assets would be transferred to the County.

Don said what was needed was a motion to authorize the Chair to sign a Resolution that dissolves the Airport Authority and signature on a letter to be sent to the Department of Local Affairs -- this will dissolve the Authority.

Carolyn Dalghren is working with Sam Phelps on the legal descriptions -- there are a few problems but nothing that cannot be handled by amendments to leases, etc. Carolyn said her next item will be to work with Attorney Leavenworth is working on the Sills Navigation Agreement. Ed Green and Carolyn have an appointment with Aspen Jet, a potential new lessee at the Airport who very much want to be located at Rifle.

As part of the list of recommendations that the Airport Authority gave the Commissioners, there are some recommendations regarding some qualifications the Airport Manager should have. The ad for the position has been suggested to be placed in a magazine called "Trade a Plane." The Airport Authority is therefore acting like an advisory board to the Commissioners.

The Isbill Company will be here on Wednesday and discussions will be held with them. To revisit the Public Review Process for Airport Development is the next priority on Carolyn's list.

She said later the staff will come back with recommendations to this process.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign both a Resolution terminating the existence of the Garfield County Airport Authority and a letter to be sent to the Department of Local Affairs advising them of this action; carried.

**ADMINISTRATOR'S UPDATE**

***Y2K***

Ed Green provided the update for the Board that consisted of the following:

Y2K - Kathy Moyer will be in Room 301 - 1:30 P.M. - 4:00 P.M. March 11, 1999.

***June 16 - Recognition of Employees - Picnic 11:30 - 1:30***

The Board has been requested to approval the planning of this activity. They project 2 hours be granted to participate. There is also a request for Chairman Martin to preside in the awards, all three Commissioners greet and serve the food. Chairman Martin has also been asked if he can obtain the grill from the Glenwood Springs Police Department.

***Update of the Jail Schedule - February through July***

Programming Workshop Sessions to cover the topics of the Garfield County Courts and Detention Facilities to be held on March 3, 4, and 5 of 1999. Ed reviewed the topics and explained that Bob Johnson and Harvey Whitcomb of Reilly/Johnson, Architect Firm will be providing the process and objectives. Judge Ossola has been included in the sessions.

Pre-Annexation Agreement - Soils from Hepworth Pawlask - Wednesday 9:00 A.M. -- define scope of their efforts.

Hoagland Contract -- Allan discussed financing with Alan Matlose.

#### ***Road and Bridge - Magnesium Chloride***

King reported there were two concerns regarding the recent news articles.

Don said there were two issues on this: 1) - The County can waive claims and indemnify; and 2) where to put this -- the County decides.

The question arose as to whether or not King should approach the residents on this issue? He commented that the Health Department says it is safe to use.

King attended a meeting that involved LaPlata and Montezuma County. The controversy is with the dust suppression. King mentioned that no one has complained to the County for this procedure.

Commissioner McCown said he favored proceeding ahead.

Commissioner Stowe added there are many benefits to preserve the roads and he also favored moving ahead.

A decision was made to continue. The Mag bids by March 15 and by April - May - application will be applied.

#### ***Library Broad***

A Workshop is to be scheduled on the Board's Agenda during the 10:00 A.M. Discussion and Decision time.

#### ***Employee of the Month***

Glenn Erbaugh from the Department of Social Services was awarded Employee of the Month.

#### ***Brenner Har PC Architecture Contract \$3050 - County Jail Remodeling***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the contract for \$3050 with Brenner Har Architecture for County Jail remodeling; carried.

#### ***Contract with DMG -Maximus, Inc.***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the contract for cost allocation studies to be finalized by August 1, 1999; carried.

#### ***Contract for Independent Contract Services***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the contract for professional consulting services for \$4500 to be paid; carried.

#### ***Application for Transfer of Control - Pitkin County Translator***

Dale explained the Pitkin County Translator of Ownership regarding the license for call letters K52AG. Dale explained that the County currently has 27 licenses.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the FCC 345 document for the transfer; carried.

#### ***Planning and Zoning Work Session with Commissioners***

March 28, 1999 -- 6:00 P.M. - 7:00 P.M. to discuss common issues.

#### ***Energy Impact Grant***

Ed mentioned he would talk about the Airport Fire Station Grant on March 11 - State Capital.

#### ***CMI - Community Corrections***

Ed, Tom Dalessandri and Dale Hancock went on a trip February 19 and toured the CMI facility and obtained some background information. Their interest is having 60 bed facility locally. They offered three alternatives:

- 1) ability to lease space in the new facility to provide their program which would include - the diversion transition inmates and work release population;
- 2) to lease or purchase land from the County at the site and erect a modular detention facility which in the event if they were not able to financially be successful, they would have the ability to return site to its original state and turn back the modular to the manufacturer; and
- 3) purchase land and erect a building on site.

Discussion was held.

Is it profitable for the County?

Tom will get back to the Commissioners on those numbers.

Dale indicated that the County has 20 beds for Community Corrections.

***Resolution No - 50 - Ed Green's Birthday***

The Commissioners presented Ed with the Resolution for his 50th birthday.

**SCHEDULED WORK SESSION - DISCUSSION OF DOG RESOLUTION**

Don DeFord, Mac Meyers, Ed Green, Sheriff Dalessandri and Deputy Sears were present.

Don said the Resolution is still on the books enforces a determination of "running at large" and "quarantine of dogs;" lists the scheduled offenses and requires prosecution.

The enforcement of the Resolution has not occurred. The County reached a point where funds were not available nor were the resources. Don suggested this should be repealed. Physical limitation to impound dogs as well. Limited Enforcement was Suggested.

Tom explained his position over the last four years that included only implementing the state statutes including vicious animals; those animals harassing wildlife; endangering public safety and those animals that are jeopardizing traffic.

Dogs running at large and barking dogs are increasing as population is increasing in unincorporated parts of the County. To increase this would require additional staff. Owner holds the animal in quarantine. This is the policy over the last four years.

***Dogs Running at Large and Barking Dogs***

Deputy Sears gave the count of 61 reports on viscous dogs and issued probably 30 summons.

He mentioned there is an absence in the ability to impound dogs.

Commissioner McCown stated that he liked the Resolution in place as it provided the Sheriff an extra tool in control of animals.

Tom said as the volume increases of a complaint he can issue a summons.

The Board felt this would be a useful tool.

Mac gave the Statutory definition that he had to abide by: "these dogs have to cause injury or cause death to persons or domestic animals or demonstrate tendencies to do that" -- he added there was an old saying that "every dog is entitled to one bite before it is deemed to be some type of dangerous dog." The problem as he sees it is the character of the County has changed over the years -- the larger ranches have been subdivided and the more traditional manners in handling the problem have become inappropriate. The only real recourse a person has to dogs harassing livestock generally is the old statute that authorizes them to shoot the dog. This was originally passed in 1877. Today this is not the best solution -- one being the public safety issue. He favors enforcing the dog ordinance; this brings to the owners attention to keep better control.

Mac referenced a recent issue of the Battlement Sun featured the issue of stray animals as one problem. He read an excerpt: "as responsible citizens we need to voice our concerns to our County Commissioners to try to read the State Ordinances regarding stray or abandoned animals." He added that the citizens of Garfield County really want this issue addressed. Facilities for animal control should be looked at for the future. He felt that enforcing the Ordinance and perhaps repealing the impounding portions since there was clearly no way to do that, would be an effective way in dealing with the problem.

Tom added that the media should be aware that there is no place currently to impound the animals. The CARE Organization is in the process of addressing some of the issues but until that time, there is no way to transport nor the shelter available. Due to animal rights, these shelters have to meet standards. The cost will be born by the County then passed onto the owner.

Commissioner McCown suggested the County enforce what we can -- when we can.

Mac suggested focusing on dense populations. Some type of enforcement would be appreciated.

He further suggested to leave at the Sheriff's discretion.

Board agreed that Tom should monitor the enforcement and revisit the issue if it becomes a problem.

Various Statutes were discussed and solutions were brainstormed.

State Statute Title 18 Violation requires the law enforcement to take the animal in.

Don added in our current Resolution, the Sheriff or Deputy can destroy the dog as well if they can't take the dog into custody.

***Fines***

Tom said these range from \$20 for the first violation; \$50 for the second; and \$200 for the third.



The Board did not have a problem with the numbers.

#### Decisions

The Board decided to leave the Resolution as it is and change the wording to "may" impound the dog. This gives the Sheriff some leeway and is in accordance with the State Statute.

The Sheriff will enforce the Resolution but it will remain, except for public safety issues, low on the priority scale. Should the volume of calls increase, the Board will revisit if it becomes overwhelming.

#### Impounding

The Board reiterated for the Sheriff to follow State Law in the impoundment as provided.

Mac mentioned that the State Statute gives alternatives in providing a facility. The liability is on the owner and the Judge has discretion. Provide a facility - Mac said - State Statute gives alternatives. In the case in Morrisanna Mesa there is a point of clarity -- "legally viscous" -- attacking or threatening to attack.

Don stated in terms of direction the impoundment in the current resolution will be made in running at large discretionary with the Sheriff and in terms of vicious dog and impoundment, the owner will impound the dog based upon the order of the Sheriff -- the dog owner must issue proof of impoundment. Also the Resolution will be enforced with respect to summons.

### **SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

#### ***Booking Facility - Carbondale and Glenwood Springs***

Don DeFord submitted a draft letter to both the Carbondale and Glenwood Springs Municipalities regarding the Booking Facility in Glenwood Springs.

#### Discussion

Commissioner Stowe said he would like to see a cap placed so each entity could take it to their Board.

A daily charge will be assessed and the cost will be passed on to the municipalities.

County will fund for the one shift and the other municipalities will have to pay the other staff.

Under this scenario would cost \$300,000 each as a cap.

The Need was Defined to be -- a long term facility and a booking facility for the Glenwood and Carbondale areas.

Don was directed to add that a decision needs to be received by both Glenwood Springs and Carbondale by 9:00 A.M. Friday.

This is to be put forth as an intent by the Municipalities as they cannot commit for more than one year at a time.

Gary Janicek - Former Weed and Pest Director - Funeral Services

The Board directed that a letter of Condolence be sent to the family of Gary Janicek. The funeral services are scheduled for 2:00 P.M. - Tuesday, March 2, 1999.

### **BLM QUARTERLY UPDATE**

Mike Mottice, Georgia Morgan - Planner; Steve Moore - Supplemental for Oil and Gas; Dan Sokal - Natural Resource Specialists; Brian Hopkins - Community Liaison - working with other agencies and communities to work on development - intermingling of private and federal lands.

Mike presented the Red Hill area planning update; oil and gas relative to operations and the impact on natural resources; Roan Cliffs - Naval Reserve; Wilderness Bill - Upcoming Inventory

Small Land Exchange - Parachute Creek; South of Carbondale land uses proposed; Communication Sites; Red Hill - management changes for BLM; grazing renewal permits; DOC - Rifle Correctional proposal - Trespass.

#### ***Environmental Impact Statement***

Steve Moore provided the Environmental Impact Statement and mentioned it was issued January 29 and today was the last day of protest. Prior to holding a lease sale on the naval oil properties they will need to resolve any protests. In April of 1997 is when it began. The issue is that development happened at a faster rate than they realized. This was a re-look into this issue and how to best manage it. They included some new lands BLM acquired in 1997 -- one being the Naval Oil Shale Development.

#### ***Naval Oil Shale Land***

Dan Sokal had a Map that showed the property owned by BLM. This was shown to the Commissioners and Dan outlined the Naval Oil Shale land for lease this year.

Roads and Maintenance Records - value of the land is based on this factor.

### ***Roan Cliffs***

Wilderness Issues and the Planning for Roan Cliffs that consisted of 50 - 60 acres now consists of 6,000 acres. There is a long-term management for this ground and is done on a 5 year process.

#### ***Wilderness Bill***

A brochure, prepared by Colorado Wilderness with a map, was given to the Board. There is a summary prepared by the same folks that identifies the study areas summarized by the resource area. With Congresswoman Degette's Bill there are 7 areas identified.

### ***Oil Shale***

Congress has agreed that oil shale would be better developed by the private sector in the manner BLM manages their mineral state.

Commissioner Martin mentioned he had several issues that he felt were local concerns and needs to be addressed. These are: 1) water rights and storage of snow fall on federal land; 2) the utilities - pipelines, power lines and the ability to upgrade, to service and to take care of these issues around them; and 3) the major one is the telecommunication industry and setting up repeaters and things going across the wilderness area. In the Wilderness Bill they cannot use the Wilderness Areas.

Mike responded that the issue of growth in this area is water.

### ***Red Hill***

The summary and where BLM is in the process was given by Brian Hopkins. He mentioned there was a draft of some recommendations and has been given to BLM -- public comment was requested last summer -- and the input was favorable. Now, BLM is in the process of finalizing the proposal as to how the land would be managed. There is a grant from Carbondale for a parking area and BLM has been working with Garfield County on the signing on CR 107.

Brian finalized some suggestions and mentioned 5 changes they proposed for action:

1) to administratively recognize it as a Federal recreational management area; 2) the area defined as non-motorized - even mountain bikes limited to designated routes; 3) these designated routes to circle BLM land and off of private property; 4) this area stay with the aesthetics, wildlife viewing, and just the backdrop is a dramatic view; and 5) revise visual resource management classifications to a Class 2 described as "nothing to blatantly stand out" and a "no surface occupancy" stipulation. Brian said this area encompasses about 4,000 acres.

Commissioner Martin inquired as to the availability of rest rooms.

### ***Road Improvement***

Brian said they would like a parking site below and put up signs for individuals.

### ***Parking Area***

The Right-of-Way is to be made into a parking area.

### ***Flying Fish Parcel***

BLM acquired this through land exchange. Roaring Fork River Coalition involving the School District. Would like to use for an environmental type facility for Outdoor Ed. Geographically it is east of Catherine's Store on Flying Fish Road.

### ***Federal Communications***

Steve Moore gave the report and said that an audit is a check between FCC licenses against BLM permits to see who is where and are they permitted properly. How intense it will be is hard to know.

He gave a heads-up that there will be an FCC Audit and they will be in this County.

### ***UNOCAL***

UNOCAL proposing to pick up some isolated parcels to do some consolidation. The timing on this land exchange if for direct access into the Roan Creek area.

Concerned citizens should contact Mike Mottice.

### ***Additional Information***

Prescribed Burns on the Crown - near Carbondale; and the Naval Oil Shale on the cliffs in the Fall time frame.

### ***Public Service Power Lines***

Brian Hopkins said the lines are proposed by Big John's Lumber in West Glenwood to Silt . They propose to utilize the existing corridor. Scoping meeting in September and will submit a permit to the County. Possible contract this year. Silt to Rifle would be on the outside of the Colorado Substation in New Castle and tie into the Airport. He proposed that BLM and County work together to identify and resolve any issues that may come up.

#### ***25 - 30 Ranchers - Grazing Permits Renewed***

There will be approximately 25 - 30 ranchers who receive renewed grazing permit. BLM is taking a different process. Regarding public input and concerns, BLM has found that for most people in Garfield County this is not a high priority and they didn't receive any public input. BLM must do an Environmental Assessment before decision making can be accomplished.

#### ***Endangered List - Lynx***

This is an upcoming issue in all parts of Colorado. Lynx habitat in land above 8,000 feet.

#### ***Rifle Correctional Center***

Steve Moore presented a map of the 40 acre parcel. DOC has petitioned like Garfield County did for the landfill. DOC did this 5 years ago. Steve said that BLM has been cool toward this idea and they have activated and deactivated their application several times. They recently brought it up again. Their interest is in two things: 1) control - a domestic water well and a pipeline that comes down to their water treatment plant; 2) DOC wants to fence this in and have more control over it. There is an area they would like to make a gun range and training area. DOC is uncomfortable with hunting as they feel it is too close to their property. BLM may consider a 20 acre parcel. Public participation will be a part of the process.

#### ***Draft Letter - Booking Facility***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the letter and forward it to the Carbondale and Glenwood Springs Municipalities; carried.

#### ***Contract-Rural Resort***

A proposal to increase the county's contribution to the Rural Resort was discussed. Commissioner McCown made a motion and Commissioner Stowe seconded to authorize the Chair to sign the letter to increase the contribution to Rural Resort this year; carried.

### **DECISION ON DOG RESOLUTION**

The Board decided that this decision should be reset on the Agenda for a later date.

### **CONSENT AGENDA - APPROVE BILLS**

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to approve and sign the payroll and bills; carried.

### **APPROVE FINAL PLAT: SPENCER PARKWAY AND SIPPRELLE DRIVE INTO COUNTY ROAD SYSTEM**

Mark Bean submitted the plat for approval of the Board.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the final plat for Spencer Parkway and Sipprelle Drive into the County Road System; carried.

### **SIGN PARTIAL RELEASE SUBDIVISION IMPROVEMENT AGREEMENTS: LOS AMIGOS RANCH**

Mark Bean presented that Schmueser Gordon Meyer, Inc. has verified that the work has been completed consistent with improvements described in the Subdivision Improvements Agreement.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the acknowledgment of satisfaction for the subdivision improvements agreement for the Los Amigos Ranch Partnership (LARP) for Filings 5, Phase 1, Los Amigos Ranch PUD and release \$12,500 in security; carried.

Mark Bean presented that the obligations of the Owner have been partially satisfied in part as verified in a statement from Schmueser Gordon Meyer, Inc. and the Owner agrees that the Board shall retain and hold the sum of \$9,000 as security for performance for the work remaining to be completed consistent with various uncompleted improvement described in the Subdivision Improvements Agreement. The request is

to authorize the Chair to sign a release of security in the amount of \$15,000 to Los Amigos Ranch Subdivision Filing 5, Phase 2.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the acknowledgment of satisfaction for the subdivision improvements agreement for the Los Amigos Ranch Partnership (LARP) for Filings 5, Phase 2, Los Amigos Ranch PUD and release \$15,000 in security; carried.

#### **SIGN PARTIAL RELEASE SUBDIVISION IMPROVEMENT AGREEMENT: MOUNTAIN MEADOWS AT PRINCE CREEK**

Mark Bean presented that the obligations of the Owner/Subdivided have been partially satisfied in part as verified in a statement from David M. Kotz, P.E., Schmueser Gordon Meyer, Inc. and the Owner agrees that the Board shall retain and hold the sum of \$11,533.80 as security for performance for the work remaining to be completed consistent with various uncompleted improvement described in the Subdivision Improvements Agreement. The request is to authorize the Chair to sign a release of security in the amount of \$6,220.20 to Mountain Meadows at Prince Creek.

A motion was made by Commissioner and seconded by Commissioner to authorize the Chair to sign the acknowledgment of satisfaction for the subdivision improvements agreement for the Mountain Meadows at Prince Creek and release \$6,220.20 in security; carried.

#### **AWARD BID: EMERGENCY SERVICES FOR BLASTING - R.F.P.**

King presented the R. F. P. and said that Don DeFord had drafted the contract. There are no jobs pending but this is something that needs to be in place for emergency purposes.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a blasting contract with Yenter Company for Road and Bridge for Emergency Services for blasting not to exceed \$10,000; carried.

#### ***Road and Bridge - Overweight and Oversized Report***

King submitted the monthly reports to the Commissioners for their review.

#### ***Mel Rey Road***

King mentioned this was a cooperative arrangement between the City and County to repair the settlement next to the manholes on Mel Rey Road. They were going to try a cold patch first.

#### ***Donegan Road***

The enforcement problems have been discussed with Deputy Sheriff Jim Sears. The Sheriff is going to discuss some issues raised with Glenwood Ford and the Post Office.

#### **RESOLUTION CONCERNED WITH THE AMENDMENT OF RESOLUTION NO. 96-05, THE REGULATION OF FUTURE CONSTRUCTION AND ALTERATIONS OF DWELLINGS, BUILDINGS, AND STRUCTURES, 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.**

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with the amendment of Resolution No. 96-05, the Regulation of future construction and alterations of dwellings, buildings, and structures, and the adoption of portions of the following code: 1994 Uniform Plumbing code; 1994 Uniform Fire Code and 1995 Cabo one and two dwelling code as presented; carried.

#### **A RESOLUTION CONCERNED WITH A ZONE TEXT AMENDMENT TO ALL ZONE DISTRICTS AND SECTIONS 9.02, PERMIT - CONDITIONAL USE AND 9.03 PERMIT - SPECIAL USE AS IDENTIFIED IN THE GARFIELD COUNTY ZONING RESOLUTION OF 1978 aa.**

A motion was made by Commissioner and seconded by Commissioner to authorize the Chair to sign the Resolution concerned with a zone text amendment to all zone districts and Section 9.02, permit- conditional use and 9.03 permit - Special Use as identified in the Garfield County Zoning Resolution of 1978 aa; carried.

APPROVE RESOLUTION FOR CONDITIONAL USE PERMIT: GREG AND CONNIE SELVAGE

A motion was made by Commissioner and seconded by Commissioner to authorize the Chair to sign the Resolution concerned with the approval of a Conditional Use Permit Application for Greg and Connie Selvage as presented; carried.

**APPROVE RESOLUTION FOR SPECIAL USE PERMIT: GIB AND LEE PLIMPTON**

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with the approval of a Special Use Permit Application for Gib and Lee Plimpton as presented; carried.

**APPROVE RESOLUTION FOR SPECIAL USE PERMIT: KEVIN RUNIA**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Resolution concerned with the approval of a Special Use Permit application for Kevin Runia as presented; carried.

**APPROVE RESOLUTION FOR SPECIAL USE PERMIT: ARMONDO SANCHEZ**

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with the approval of a Special Use Permit Application for Armando Sanchez as presented; carried.

**APPROVE ZONE DISTRICT TEXT AMENDMENTS: UTILITY LINES**

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Resolution to approve the zone district text amendment - utility lines as presented; carried.

**PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA**

***Letter - Aspen Center Environmental Study - Great Outdoors Colorado Trust Fund***

Reid Haughey requested a letter of support for the application for the Aspen Center Environmental Study for the Great outdoors Colorado Trust Fund.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign a letter in support of the Great Outdoors Colorado Trust Fund seeking funds to assist in the purchase of the Rock Bottom Ranch in order to create significant critical open space adjacent to the Roaring Fork River and the Denver and Rio Grande Right of Way; carried.

**PUBLIC HEARING: PETITION TO VACATE CR 204 AND ACCEPT DEDICATION OF EXISTING RIGHT-OF-WAY. APPLICANT: MAX ALTERBERN**

Chairman Martin swore in the speakers.

Don DeFord presented a petition to vacate CR 204 and the deed to Garfield County of the right-of-way. In exchange for this, the County would be vacating CR 204. Mr. Alterbern is dedicating the existing right-of-way.

A motion was made to close the Public Hearing by Commissioner Stowe and seconded by Commissioner McCown; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the petition to vacate CR 204 and accept dedication of existing right-of-way as petitioned by N. Max Altenbern; carried.

**PUBLIC MEETING: REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION. SAID EXEMPTION WOULD CREATE FOUR (4) PARCELS OF 5, 5, 5 and 182+ acres. PROPERTY LOCATED AT 6343 CR 301, PARACHUTE, CO, HOLMS MESA, 3 1/2 MILES SOUTH OF RULISON. APPLICANT: JAMES AND JUDY LEMON**

John Barbee, Don DeFord and James Lemon were present.

Don DeFord reviewed the notices and determined the public meeting was noticed properly and advised the Commissioners they were entitled to proceed.

John mentioned there was an augmentation plan but he has another source of water and has yet to review the well permit; therefore John asked for a continuance of just a few weeks.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue this until March 15th at 1:45 P.M.; carried.

***Construction Management for the Jail Project***

Commissioner Stowe mentioned he had talked to Bob Szrot and he still favors in-house construction management. However he was not in favor of soil testing.

Commissioner Martin mentioned we need some construction management.

Commissioner McCown stated Bob's proposal was to provide this construction management with himself and a trainee.

Ed said Bob would do contract management. He would take this as his lead project as well as the Road and Bridge project on County Road 109, etc.

Bob was going to hire a construction manager with a cost of \$85,000.

Commissioner Stowe gave his basis for supporting Bob Szrot that consisted of accountability to the Commissioners, potential for savings, and with two on board one could consistently be on-site.

Ed said Bob has contract administrative background.

Commissioner McCown still has the same fear as he originally did and is not comfortable with using Bob Szrot due to the potential workload placed on one individual. The concept is good but his fear is based on the one-person scenario.

Commissioner Stowe mentioned the Board had already hired an architect familiar with jail construction; now they need to pick a good contractor.

Don said construction management in-house would not be the traditional structure. This person starts at the review process and does the cost estimating. There is also liability with a County employee being involved. He mentioned that an employee in contract administrative has a different structure and it would work well to have an employee perform these functions.

Ed said Carter Burgis is the only one he's talked to.

Don mentioned the projects forthcoming that needed engineering: County Road 109 as well as Spring Valley dba "The Springs" and several other projects.

Commissioner Stowe said we need this person now and the County paid Reilly Johnson the dollars necessary to do a design. He would still like to move ahead with Bob Szrot and the hiring of an Engineer in Training. This is a motion.

Ed mentioned the position has not been classified as yet but the salary range was projected at between \$40,000 - \$42,000.

Commissioner McCown seconded the motion.

McCown - nay; Martin - aye; Stowe - aye.

Discussion on adjusting the agenda.

Don mentioned that scheduling the planning items all at once would remedy this delay and time waste.

#### **CONTINUED PUBLIC HEARING: GARFIELD COUNTY BUILDING CODE ON RECREATIONAL CABINS RESOLUTION DISCUSSION.**

Mark Bean, Don DeFord and Mike Mello were presented.

The Commissioners reviewed Section 106 - Permits of the 1994 Uniform Building Code.

Mark presented a proposed Resolution that defines recreational cabins. Section 106.2 of the Zoning Regulations contains 11 requirements and this would add number 12.

Mark clarified in this informal discussion -- ISDS. Mark said the County does not have the right to exempt anyone from an ISDS system. Chemical toilets meet the requirements. Some type of a septic system must be in place.

A motion was made by close the Public Hearing by Commissioner Stowe. Commissioner McCown seconded; carried.

Commissioner McCown moved to approve the Resolution concerning recreational cabins adopting Sections 2.19 as listed, striking "as" in the "not to be used for commercial purposes" and this would in fact become Section 1.06.2 number 12. Commissioner Stowe seconded the motion; carried.

#### ***Meeting Discussion***

Social Services March 4 - 11:00 A.M. MOE Mitigation Under Distribution of Funds in Colorado.  
Chairman Martin will attend.

#### ***Recess until Friday, March 5, 1999.***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue the meeting until March 5, 1999 9:00 A.M. for the discussion on the jail with Judge Ossola and the Architects; carried.

Attest:

Chairman of the Board

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**MARCH 8, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 8, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**COUNTY ATTORNEY'S UPDATE**

Don DeFord discussed the following:

***Land Use of the Airport***

The topic of proceeding on the land use planning including accepting the Airport as a Zone District and exempting from a subdivision. Proceeding with a Resolution was the need for direction by the Board. The FAA requires full site planning; the difference is public involvement and requires public notice.

Carolyn advised the Board to accept the Master Plan for the Airport.

Mark said it would be helpful to have this clarified. This is a public facility and can be exempted if the Board so desires.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to have the staff proceed in the exemption process by drawing up what needs to be done to start the process.

**Discussion**

The Public Hearing will be held once Isbill has the site plan completed.

Don mentioned on the site plan it would be fall before they had this done.

Commissioner McCown clarified the grant was the thing holding them back.

Ed agreed it was the money from FAA to Isbill. One suggestion he offered was to pre-fund it and have them get going.

Don agreed this was a good idea due to the time line that needs to be worked with.

Chairman Martin would like to have them proceed with the grants.

Commissioner McCown mentioned there was no need to have the public hearing until we have the site plan to show the public on what's going to happen.

Commissioner Stowe suggested going through the exemption process and have that in place basically before the site plan which would allow other existing contracts to come into compliance.

Don agreed that this is an ongoing concern. He suggested to proceed with preparing the Resolutions and at the same time work with Isbill and getting to the Commissioners within the next 30 days to see if they are comfortable going forth with the exemption.

Don mentioned talking to Isbill once more if the decision is made to pre-fund this and see what their schedule is in line with this. Motion carried.

***Contract Format on CR 109***

Ed and Don were given direction to go ahead and establish a better contract with the County. Chairman Martin said this is not acceptable with him. Commissioner McCown agreed.

Don mentioned they would be meeting with Louis Meyer of Schmueser Gordon Meyer later this week to determine the status.

***Aspen Glen***

Don mentioned this is not a closed issue; Larry Green relayed that they are continuing to work on this ditch concern.

***Jail - Legal Description***

Don mentioned the Board needs to reach a decision on the land for the jail so the County Surveyors could have some direction for the final survey and legal description.

Commissioner Stowe commented that the Architect will need to give the Board the best site and keep the 12 acres for future development.

Mr. Howard is agreeable to go ahead. The boot shape is his preference.

## **ADMINISTRATOR'S UPDATE**

Ed Green gave the report and submitted the jail project schedule updated for today. The items of concern were: the pre annexation agreement and the survey and legal description of land. In-house construction management was made last week; Carbondale said no on the local holding facility but Glenwood said yes. Bob Johnson did an assessment of the space requirements; Sam Phelps made. On the negative side, the pre-annexation agreement hasn't been received.

### ***Jail Project***

Sam Phelps completed the site drawing and placed the stakes.

They met with Isbill and Associates. Reilly Johnson can proceed with the site design. The Pre-Annexation Agreement has not been finalized and this will become a big problem if not resolved soon. There is a need to identify the site the Board wants so legal descriptions can be started and Don can move forward with the purchase of the land. The Court and District Attorney's square footage requirements were passed out. The National Institute of Certifications will be here on March 16th and conduct an independent analysis of our requirements of both the requirements of the jail and the courts. This will be an important benchmark that can be used to appropriate size both facilities.

### ***BLM***

Ed met with representative Mr. Blum of BLM and he requested permission as in past years to house some BLM people in the Passenger Terminal at the Airport for the fire season. The Board did not have a problem and directed Ed to move forward.

### ***Courthouse Improvements***

Phil Vaughn received approval by the City for the Human Resource office and to complete Richard's space in the basement. The first week of April they will begin.

Ed mentioned he had received a letter from Judge Ossola and Judy Vanderleist will be presenting.

Judy Vanderleist presented the contents of Judge Ossola's input into the square footage needed for the Courts at the Rifle Jail location.

Ed said that Judge Ossola and Bob Johnson discussed the prospective of enlarging the existing facility. Parking and space are the main issues.

Commissioner McCown stated that the court facility was to reduce the movement of prisoners and was part of the plan in moving the jail to Rifle.

Part of the presentation included another judge or magistrate would be added within the next 5 years.

Commissioner McCown asked for Judy to go back to the Judge and trim down the facility to meet the Board's goal.

### ***Update - Human Resource Issues***

Phyllis Lundy gave the update for the Human Resources Department that included:

#### **1- Creation of Janicek Children Memorial Fund**

Draft of the letter to Mrs. Janicek was reviewed and finalized. Phyllis said she would like to put together a press release if the Board did not object. There will also be a Memorandum to the staff explaining the establishment of the fund and how contributions can be made.

Commissioner Stowe suggested doing both the paycheck and as above.

#### **2 - Job Openings**

Accounting - 2 position -- Deputy Accountant and Controller

Interviews have begun.

Airport Manager - locally being advertised and in Airport Magazines

Others - legal notices on 2nd floor

3 - Streamlining and improving the hiring process -- training is different - behavioral aspects and what you can and cannot ask in an interview. Develop standard questions to ask every person as well as to be in compliance with the laws.

4- New job descriptions and creating job descriptions for current positions without one already.

Past experiences are the best indicator of the future.



5 - Employee orientation - intake of new employees, monthly orientation sessions. Phyllis will be doing a monthly orientation session for new employees.

6 - Performance Management Training - how to do appraisals for employees

7 - Comparison of Old and New Policy Manual and Employee Outreach (EPIC)

The suggestion of an Employee Outreach Committee was reviewed with the Commissioners and Phyllis explained that it would be a small group representing the various department to come together and talk about the old and new policies -- potential changes they would like to see, etc.

8 - Salary Survey and Benefits

This is high on the list of priorities. Phyllis stated she hopes to complete this by the end of May in time to get the information to the Commissioners for consideration during the budget.

9 - Human Resources Administrative Assistant

The job duties and responsibilities of this newly created position were discussed. Phyllis mentioned it would include the day to day operations -- recruitment, etc. She added that the position was budgeted.

10 - Phyllis' top 17 priorities were submitted and she went over the list. She said she plans to submit a cost of turn over along with the salary survey.

Commissioner Martin requested the projected completion dates of those items she listed. Additionally he complemented Phyllis on the drug and alcohol policy.

#### *Performance Evaluations*

Phyllis said she wants to develop a performance evaluation for all supervisors and elected officials that will address them doing the same thing.

She mentioned having a Video tape of a training to distribute to a supervisor that will assist them in performance evaluations.

#### *Personnel Committee - Update*

The revision of the Drug and Alcohol Policy has been distributed to every employee.

The next Personnel Meeting will be held on 3/31 at 1:00 P.M.

Phyllis explained the task force of employees -- what she calls the "EPIC"-- this is not a decision making body but makes recommendations to the Personnel Committee. Phyllis will facilitate the meetings. Thus far she has 12 volunteers.

### **WORK SESSIONS**

#### ***Treasurer - Semi Annual Report - Cash Basis Report***

Georgia Chamberlain submitted the Treasurer's Semi Annual Report explaining the fees collected in both the Treasurer and Public Trustee and School Funds.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to accept the Treasurer's report and to authorize Georgia to publish in accordance with the statute requirements; carried.

#### ***School Acquisition Fees***

Georgia explained to the Commissioners that they were required to notify the different entities of the amount being held in the school acquisition fees.

#### ***Lease - District Attorney for the Ninth Judicial District***

The Lease for District Attorney's space in the Courthouse was presented. It included the sum of \$2,500 per quarter commencing January 1, 1999 through January 1, 2000.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the lease; carried.

#### ***USDA Forest Service - Region 2 Weed Coordinator***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a letter of support encouraging the USDA Forest Service to favorably consider the hiring of a Region 2 Weed Coordinator; carried.

#### ***Letter to Carbondale - Booking and Holding Facility in Glenwood Springs***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign a letter addressed to Randy Vanderhurst, Mayor of Carbondale in response to the County's request for a commitment regarding financial support of a booking and holding facility to be constructed in Glenwood Springs; carried.

Silt Council Requested Joint Meetings with the Commissioners

Ed reported that the Silt City Manager had requested that similar meeting be held with Silt. The Board directed Ed to set this up.

***Executive Session - Personnel Issue***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss a personnel issue; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

***Watershed -- Sewer District Concerns***

The meeting will be in Basalt on March 18 to discuss these concerns.

Rural Resort - Additional Funds Allocated

An increase to \$5,650 versus \$4,520 for the contribution to Rural Resort was discussed in December and Marian Smith said it was approved.

Allen confirmed that this had been approved.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to the appropriation request for the Rural Resort Region; carried.

***Request for Contribution of \$9,000 to CISCA for I-70 Studies - CISCA***

Chairman Martin presented the request for Garfield County to contribute to the I-70 study.

Discussion

Commissioner Stowe said he has a problem with this as the study will not affect Garfield County.

Commissioner McCown said he didn't see this as a good investment.

Chairman Martin said that politically and for the future it would be good for Garfield County to support these programs. He stated this had been tabled and the Board needed to take some action. The next meeting of this Commission will be on March 10th.

Commissioner Stowe made a motion to contribute on a one year basis but he added that he would be very reluctant to go any further unless he could see some direct benefit to Garfield County. Commissioner McCown said he could support Commissioner Stowe's opinion and seconded the motion; carried.

Vote - Martin - aye; Stowe - no; and McCown - no.

***PUBLIC COMMENT FROM CITIZENS NOT ON THE AGENDA - Anti-Rail Service - Martin's Position***

Mr. Jan Giardot expressed a concern specifically toward Chairman Martin with respect to his position on the county's apparent anti-passenger rail position. Jan accused Chairman Martin about being against any type of rail service other than freight. He asked Chairman Martin to say clearly why he was against the rail and clear up what he was for. He added that Commissioner McCown seems also to be against rail to a degree.

Chairman Martin clarified that they are not against passenger service; both can be accommodated -- freight and passenger service -- and that's what the corridor needs to be used for. He said he encouraged passenger service and it seemed to be twisted and whenever he mentions freight that seems to be interpreted that passenger service can be accommodated. The reason he's advocating the sale of corridor is strictly financial because it seems to be a black hole for the taxpayers point of view. There is a possibility of it working -- but the overwhelming expense to get it going and the overwhelming cost if they go ahead and do it. The comprehensive plan and the initial vote will show which way RFRHA needs to go. He hopes the STB makes a ruling as fast as they can and again speaking just for himself, he hopes they do vote in favor of rescinding the offer of financial assistance so we can get on with life. There is so much misinformation and so much polarization that this issue is totally out of control. The only thing Chairman Martin clarified that he was against was the expenditure of the taxpayers money in the way that this is going. We have misinformation about how much money is in place -- there's no money in place. All of the money is contingent on one thing or another and the biggest one is the overall assumptions that the entrance to Aspen is a done deal -- it is not. This is a \$63,000,000 bond issue that has to be voted on before it even qualifies for the federal money. Again Mr. Newman has pointed out, if that vote goes down, everything comes to a screeching halt except for one thing and that is the cost of the corridor which will always go on. The cost of that corridor and also what takes place in that corridor. Therefore, he said what we need to do is stop being emotional on both sides and be level headed. Take a look at it as a business transaction -- a future issue -- yes.

Jan said he agreed with what Chairman Martin was saying however, the perception of the matter that's out there in the minds of many people including himself, is that your attitude toward the rail corridor is -- this thing's got to be sold; it's a albatross around our neck; you want to sell it to some scrappers from Salt Lake City; and there is no input from the other two Commissioners -- it seems to be a one man show.

Chairman Martin once again clarified that he is acting for the Board of County Commissioners and the decisions they make as a body. As far as ever going with one single company and he stated he has make this clear to newspapers and radio stations that this Garfield County Board of Commissioners have never endorsed A & K either by name or any other means other than the cost to the taxpayers maybe needs to be shifted over to the private entities simply because for the first 100 years they seem to be paying for it and there is also a reward for that simply through taxation. This is a loss to Garfield County because it went into public hands simply because of tax -- the state users tax fees. We don't get that anymore. We're not a member of it anymore.

Commissioner Stowe mentioned that his concern is that we have a public corridor that extends from Pitkin County through Glenwood Springs -- public lands, but its control is through conservation easements by Aspen Valley Land Trust. They have the conservation easement all through that corridor so you have public land, public property that is controlled by private individuals who are not elected, who are not accountable to the public -- only to themselves. And through their own declarations that entire trail can either be a rail or a trail and that's it. The only place payment is allowed is in the City of Glenwood Springs and the Town of Carbondale. So we talk about alternate routes through this corridor and how it will be used in the future -- we have really limited it through that conservation easement. He thinks it's great that we have this corridor going all the way to Aspen and it would be great if it stays in public hands -- the trail of Glenwood Springs is fantastic -- but realistically he has a real gut problem with the fact that private industry is controlling public lands and they've agreed to turn that over to the RFRHA but that control -- that conservation easement has not passed yet. Once that passes, he'll feel a lot more comfortable about this. Then we have an appointed Board and we have control by the citizenry including this Board of County Commissioners as elected officials appointed. Right now we don't have that control. We have the use of that easement controlled by private individuals with no accountability. That's his real rub on this whole corridor.

Chairman Martin mentioned this is also the confusion of publicly owned versus privately owned -- it really is privately owned now under that scenario.

Commissioner Stowe said they grant all the rights of easements, all the rights of crossing, everything else through that conservation easement -- whether high line wire can be replaced for the utility to go through there and anything else. The final say isn't through RFRHA -- it's with the Aspen Valley Land Trust. And until that control passes he has a problem.

Jan said he thought this had been resolved.

Commissioner Stowe said as of last week it wasn't as he spoke with Representative McInnis and he indicated that until that the transfer happens, the federal funds won't be available.

Chairman Martin said he verified what Commissioner Stowe said by calling Reed Haughey of Aspen Valley Land Trust -- he said there's been no movement and they still own the easement and they've not been asked to change it.

Commissioner McCown said there was one other thing that he'd like to stress on is -- when Chairman Martin goes to meetings, he is acting as a representative of this Commission -- we have discussed the issues and he has been given direction -- he's not out there on his own making any kind of action or statements that does not represent Garfield County. He added that he thinks it's important that Jan's indication that we're advocating private sale of this line all came about through rail banking. Garfield County was criticized extremely in the press and by RFRHA for fighting rail banking -- we did not want rail banking -- we opposed rail banking. But rail banking went ahead and through the rail banking process it allows the offer for financial assistance and that's when this came about. We opposed the whole concept of rail banking but RFRHA pushed that -- they went forward with it and as a part of the rail banking process, it allows anyone to offer financial assistance and buy that line. That's why we're at this point now. We're not advocating any private individual buying this line -- we're not supporting that but that's how it got to this point.

Jan asked if there wasn't some correspondence with the STB from the Commission as far as supporting that idea of the sale of the corridor?

Chairman Martin said the only time the Board responded to STB is because there has been something filed by another government -- usually RFRHA -- the Railroad Holding Authority and their special counsel. We

only responded in return because this Board of Commissioners have been accused or stated that we ought to take a position or we are a member of an organization which we are not. We are obligated to respond and to answer those filings. We have never initiated any filing with STB. We have been perceived to be the ones that litany of filing with STB. Chairman Martin assured Jan that this Board has only responded to those that have put something in front of STB that needed to be clarified -- and that is all.

Commissioner Stowe - letters of clarification subsequent to the letters that went out to the RFRHA Board. Jan suggested that this Board of Commissioners get together in their position -- clearly stated -- and send it as a certified letter to Bernie (Glenwood Post) and Jim (Glenwood Independent) and whoever else wants to know about it and get this thing published so the public knows where you stand. As it is right now this Board looks like a bunch of "shoot from the mouth vigilantes." It really distresses him to hear this sort of stuff.

### **SCHEDULED WORK SESSION - LIBRARY - FORMING A LIBRARY DISTRICT**

Don DeFord, Ed Green, Library Director Jaci Sphuler, Darlene Merritt and Susan Barena - Library Public Board of Trustees' were present.

Clarification was requested regarding the current mill level and the 3/4 cent sales tax. They would like a year's support at the current level of funding as it would take one year for the new mill levy to take effect. Don DeFord gave the legal perspective saying the statute provides it if the District is formed and it is only formed for the method of funding as approved by the electorate then there is 90 days for the new District and the County to reach an Intergovernmental Agreement setting out the specifics on services, transfer of capital assets, etc. Any Resolution approving the District should include the continuation of the 1/4 cent sales tax percentage for the first year.

#### ***Library Board Members***

The Library Board Members will continue to be appointed by the Board.

#### ***Operational Issues - CPA Auditor***

Jaci mentioned they had spoken with an independent auditor and the price quote was \$2,000 on the current budget. Additional grants, etc. could make this go up to \$2700 - \$3000.

#### ***Accounting Support***

Susan said they currently do a lot of the accounting already so the infrastructure is in place. Darlene is capable of handling this.

#### ***Employee Benefits Program***

Jaci said they would consider being carried at least one year with the County. She also requested that accrued retirement be carried over as some employees only have 2 - 3 years before retirement.

Other concerns included: Legal Services, Employee Handbook for the Library to do their own Human Resources; Property and Casualty Insurance and Motor Pool - 31 cents per mile.

The Library staff and board thanked the Treasurer for all their support and mentioned they could still pay the 1% to get the property tax collected.

Jaci presented some sample agreements on the IGA from other counties once a Library becomes a District.

Don DeFord mentioned this District would be akin to the Housing Authority -- a separate entity and the County has taken that in the legal issues.

#### ***Election Bond and Ballot Fees***

Susan requested the Board Of County Commissioners to waive the election bond and put this question on the ballot.

Don DeFord mentioned that by Resolution the Board has that cost. It is also a Tabor election and the Board has the cost on this as well as an election cost.

#### ***Landscaping at the Library***

The Board mentioned this would be revisited when the weather permits.

#### ***Public Hearing - Consider the Resolution Forming a Library District***

The date was set for May 3, 1999 4:00 P.M.

#### ***Executive Session - Personnel Issue***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of an Executive Session; carried.

#### ***Direction - Outside Contract***

The Board of County Commissioners in reference to the proposal of an in-house contract, administration and construction management, they will not enter into that type of negotiation and request.

Ed was directed to contract Mr. Swanson and so advise him.

#### **ASPEN JET SOLUTIONS - POTENTIAL AIRPORT LESSEE**

Carolyn Dalghren, Andrew Doremus of 85 Glen Garry Drive, Aspen; Sam Houston and Frank Goldsmith of 308 S. Galena Street were present.

Carolyn presented the information including the Isbill Contract for the site planning and updating of the Airport layout plan. Isbill was contacted and they contacted the State -- the State will not do reimbursement grants. Therefore, if the County wants to speed up their ALP and Site Planning Work the County will have to fund it totally with County funds -- \$30,000. However, to deal with the situation before the Board, Aspen Jet Solutions-- the consultant Isbill and Associates are willing to do a letter agreement and charge us some hourly consulting to assist in figuring out the footprint and where the hanger should be that Aspen Jet Solutions wants to put up if the Board approves the request.

The business was described as to what Aspen Jet Solutions wants to provide at the Airport.

Carolyn said they are very willing to be flexible about actually where the building will be -- the hanger on parcel C or D and they are willing to enter into a Use Agreement that would give them the right to do business on the Airport with flexibility between C and D parcel and willing to enter into a Use Agreement with flexibility as to where the actual leased site will be. Normally we do an Operating Agreement and a Land Use Agreement -- Lease all in one paperwork but this could be split out. Carolyn mentioned that the target date for Isbill is May 15.

Sam Houston described the type of operation Aspen Jet Solutions anticipated at the Airport. The hanger projected to be 200 ft x 150 ft deep and able to accommodate up to a Gulf Stream - a large jet. They would be in operation 24 hours 7 days a week. Initially 4 - 5 planes managed by and chartered by Aspen Jet Solutions. They would also charter planes. They would work with Corporate Aircraft Services providing the FBO service and this would include fueling, line services and initially mechanics. He said they have spoken to the FBO and they agree. Eddie Walks and these gentlemen talked this morning. They also want a good relationship with the other chartering business. This will add to the critical mass. It will mean more employment including pilots etc. It is important to have a building built and hope to be in operation by November 15 to break ground by July 1st. The differences between Parcel C and D is grading differences. They will go to either site. Parcel D -- they would have a ramp on the south side of the door. Access issue through Parcel D -- they prefer Parcel C.

Ed Green mentioned another reason to proceed with the site planning is in order to move forward with the C-3 designation.

Andrew Doremus said there would an increase in the of jobs -- initially 3 - 4 pilots and a hanger guy a scheduler -- estimated one dozen employees. There would be about 12 new positions with one or two transfers who live in the area. There is \$5,000 per incident every time a plane comes in -- a huge plus to the County. There will also be requests to building apartments for pilots and staff -- and these need to be pilot friendly for extended stays. He said that the Aspen and Eagle Airports have reached capacity.

#### ***Direction to Staff***

Commissioner McCown said the Board gave direction for the staff to move forward with Isbill on the Site Planning and he would make a motion to direct counsel to continue negotiations with Aspen Jet Solution on this matter; also during the course of negotiation, the length of contract be discussed, the specific site location ironed out in the time frame necessary for these individuals to get started with their plan, and hopefully by then the County will have the site plan in place.

Carolyn Dalghren clarified that part of Commissioner McCown's motion was that if need be the County can by letter agreement hire Isbill to consult on this particular project.

Commissioner McCown said he was reluctant to get into duplicative services if it is possible to get it all done. If the consulting with this particular contract can be incorporated in the overall site plan, he wouldn't have a problem with it -- but he doesn't want to pay this contract and pay them again to do the site plan.

Don clarified that the staff has the direction to go ahead and move with Isbill.

Chairman Martin said funding that with the resources now without going for state funds.  
Commissioner McCown mentioned this was in order to meet the time frame not only for our exemption but for the firm.

Chairman Martin said and the second part of the motion would be go ahead and work with Aspen Jet Solution to come to a positive result on the lease -- to negotiate the length and lease, etc.

Carolyn mentioned it would be a lease and an operating agreement.

Commissioner Stowe seconded the motion.

Discussion

Sam Houston said they are investigating two names for this new facility: The Flight Department and Aspen Jet Solutions - however, he assured the Commissioners it is will be one of them.

Motion carried.

### ***Minutes Approved***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the following 1998 Minutes: June 8, 1998; October 29, 1998; November 3, 1998; November 10, 1998; November 16, 1998; December 14, 1998 and December 15, 1998.

Motion carried.

## **CONSENT AGENDA**

### **SIGNING OF CERTIFICATION OF DESIGNATION FOR THE SOUTH CANYON LANDFILL**

The Certification of Designation was presented for signature of the Board Chairman.

### **APPROVE LIQUOR LICENSE RENEWAL: FAIRWAYS CAFE - BATTLEMENT MESA**

Mildred presented the liquor license renewal for the Fairways Cafe in Battlement Mesa.

### **APPROVE LIQUOR LICENSE RENEWAL/ADDING NEW MEMBERS TO BOARD OF DIRECTORS - FLYING SHEEP LLC/THE GRAND RIVER GRILL**

Mildred Alsdorf presented the liquor license renewal for Flying Sheep LLC/The Grand River Grill mentioning that they were adding two partners.

## **FAIRGROUND USE AGREEMENTS**

Mildred presented the Fairground Use Agreements as follows:

Sarah McKenney -- DOW-- for the North Hall and Rest rooms for March 6 and 7, 1999.

Sarah McKenney -- DOW -- for the North Hall and Rest rooms for March 20 to the 27, 1999.

Silver Nickel Auction for South Hall for March 25 to the 25, 1999.

Silver Nickel Auction for South Hall for March 11 to the 14, 1999.

A motion was made by Commissioner McCown and Commissioner Stowe to approve the consent agenda items -- Fairgrounds Use Agreements, Liquor License Renewals for Fairways Cafe - Battlement Mesa and the Flying Sheep LLC/The Grand River Grill; carried.

### ***Airport Manager's Position***

A letter was received by Jim Foster recommending Barry Hamilton for the Airport Manager's position.

Discussion was held as to that position and the interview process.

Chairman Martin stated he would like to notify those that do not qualify by letter as soon as possible.

### ***Mid Valley Sanitation District***

Mildred stated she had received the proposed plan that will be set for hearing before the Board.

### ***Jail Project***

The Rifle Jail Project is 40% over budget. Discussion was held regarding the information provided by Reilly/Johnson.

### **CONTRACT FOR NEW AUTOMATED ASSESSOR/TREASURER SYSTEMS**

Allen Sartin presented the information to be in compliance with the Y2K situation.

Both the Treasurer Georgia Chamberlain and the Assessor Steve Rippy came to the conclusion that they wanted to stay with the current system and upgrade.

Steve mentioned he was ready to go on this.

Allen said a maintenance agreement approach would be included in the future. Software upgrades will be free. The systems they are operating with now has not been updated. The conversions should be able to be done fairly easily. Allen explained that the budgeted amount was not enough - \$23,000 for central

equipment and printers and a lot of disc space and \$15,000 for flexibility. The total amount - \$33,750 to fully fund the project. The Assessor budgeted \$5,000 more than was necessary.

Allen explained that new pricing for ECS at the first of the year. This created some additional costs. The shortfall will come out of the general fund.

Allen explained the capacity of the file server was 512 MB Ram compared to a typical 64 MB Ram for regular use and on the hard drive there would be 4 of the 18 Gigabits.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the additional supplemental to the budget of \$23,000 for the computer software upgrade -- file server and the flexibility to spend up to \$15,000 in purchasing, \$5,000 to be recuperated from Steve Rippys budget -- a total of \$33,750 and some change. Motion carried.

#### **PUBLIC HEARING: ABATEMENT FOR GLENWOOD LODGE #68 IOOF**

Chairman Martin swore in Steve Rippy.

Steve Rippy presented the Abatement of \$3643.00 for the Glenwood Lodge #68 IOOF explaining that this organization has to file for a tax exempt status. The State has to decide if they are 100% tax exempt or a percentage. The State used to only give them 30% tax exempt status. This year the building is 64% tax exempt. This goes back to January 1997.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to rebate to the Odd Fellows Lodge a total of \$3,643.43 for 1997 and 1998; carried.

County Attorney Don DeFord

#### ***Airport - Isbill Agreement***

Don DeFord and Carolyn Dalghren discussed the contract to the Isbill Firm for consulting.

Commissioner McCown mentioned that he wanted to move forward with Isbill.

Don said he would like to have a contract in place and explained the first priority was to deal with Jet Solution and then the site plan not to exceed \$30,000.

Discussion was held as to whether or not to wait until the first meeting in April or to just go ahead with Isbill.

Ed suggested a letter agreement.

Don said he didn't have a problem as long as the Board agreed to this.

Commissioner McCown stated his motion included having Carolyn moving forward with Isbill in the consulting, whatever it takes to get this Aspen Jet Solutions moving but to not be redundant to the overall site plan that we are looking at doing.

Carolyn mentioned this was different than saying the County will pay full load versus getting the grant.

Chairman Martin said we are not going to wait, so this means going ahead with the \$30,000 expense.

Carolyn stated she had talked to Isbill and he projected May 1 to have what this Board wanted for the jail and Aspen Jet Solution. Isbill could not be held to the May 1 - it might be June and they will call Carolyn back on the date to complete.

Don suggested to use the "release to contract form being currently used by the County" first releasing them to do the planning for Aspen Jet Solution services and the second release to deal with the Airport layout.

He added that it would imply not to exceed \$30,000.

Ed agreed.

Don said then he would like to do is in April have a contract with Isbill.

Carolyn suggested getting Isbill a draft of the contract as quickly as possible so they can get going.

Don will send this out within the next few days.

Carolyn stated Isbill wanted the County to show specifically the utilities and some other things on the map.

We need these for site planning. He also mentioned he would love getting paid for the time he spent working with Reilly but it's good marketing too -- so he was not expecting to get paid.

#### **PUBLIC HEARING: PRELIMINARY PLAN FOR KINGS HILL SUBDIVISION - APPLICANT: NATHAN AND ALINA KING**

Jim Leuthueser, Victoria Giannola, Joe Hope of High Country Engineering, Nathan and Alina King and John Savage representing the applicant were present.

*Jim Leuthueser* determined that adequate publication and notification were in order and advised the Commissioners they were entitled to proceed.

*Chairman Martin* swore in the speakers.

*Victoria Giannola* presented the following Exhibits into the record: Exhibit A - Proof of Publication; Exhibit B - Application and Supplements; Exhibit C - Staff Report; Exhibit D - Garfield County Comprehensive Plan; Exhibit E - Garfield County Zoning Regulations of 1978; Exhibit F - Subdivision Regulations of 1984; Exhibit G - letter from Michael and Laurel Connor; Exhibit H - 2nd letter from Michael and Laurel Connor; Exhibit I and Exhibit J - photos of the site; Exhibit K - a letter from Calvin Lee on behalf of the Elk Creek Homeowners Association; and Exhibit L - a letter from Mary Ellen Lives. Chairman Martin admitted Exhibit A - L into the record.

This is a resubmission of Preliminary Plan review for the Kings Hill Subdivision. (Re-subdivision of Kozak Exemption - Tract 3) for Nathan and Alina King on a 13.67 acre parcel. The applicants propose to create a four lot subdivision consisting of 2.31, 2.71, 2.97 and 4.70

Recommended Findings:

On 10 February 1999, the Garfield County Planning Commission put forth a recommendation of denial to the Garfield County Board of Commissioners. Concerns regarding the steeply sloping terrain of the three new lots as proposed was cited. The following concerns with the proposed site development were noted with the recommendation for denial by the Planning Commission:

Concerns with steep grade on lots. Proposed Lots 3 & 4 are unbuildable steep.

10% grade on intersection with Navaho Street and proposed Navaho Court is too steep for a road with a 145 degree turn and will not allow for movements of emergency vehicles or construction equipment.

Soils on site are designated as Badlands which are prone to water erosion and are unsuitable for community development. Proposed Lots 3 & 4 are located entirely within the Badlands category of soils.

Slopes on building envelopes on proposed Lots 3 & 4 are 20% or above in the case of Lot # 3.

#### ***Joe Hope and John Savage for the Applicants***

*John Savage* asked for the Board to approve the Preliminary Plan for the Kings Hill Subdivision which is a four lot subdivision of 13 acres adjacent to the Elk Creek Development. This Elk Creek Development is an old pre-law subdivision of 60 - 65 lots approved back in 1965. The roads were dedicated to the public and the County has disallowed any interest in these roads. There is some dispute as to who can ban use of these roads. These are public roads and anyone can use them.

*John Savage* submitted an exhibit consisting of a set of photos. This was determined to be Exhibit M.

*Chairman Martin* admitted Exhibit M into the record.

*Joe Hope* explained the photos and reviewed the staff report and comments. Joe stated this new subdivision would be less than a 5% increase in traffic.

*John Savage* called attention to a private dispute where two parties disagree on a private matter and should not get the Board of County Commissioners into this.

*Joe Hope* addressed the issues and submitted plans.

*John Savage* submitted some possible alternatives. This was determined to be Exhibit N.

*Chairman Martin* admitted Exhibit N into the record.

*John Savage* explained the alternatives.

*Joe Hope* submitted some information that he felt would eliminate some concerns addressed by the public at the Planning Commission. Using Comanchero Trail does not affect anyone. He stated they were leaving the drainage as it is now. The new alternatives will address the drainage.

An Agreement signed by the Town of New Castle was submitted as Exhibit O.

*Chairman Martin* entered Exhibit O into the record.

*Nathan King* clarified the fence line.

*John Savage* addressed the same concerns as were present in the former Kozak subdivision exemption. He also stated that the Elk Creek Homeowners Association do not have a right to these public road. He also mentioned the steep slopes were mitigatable and recommended as a plat note that it includes the recommendations be followed. He asked that this be approved. He also said the recommendations of the Planning Commission are not valid.

*Joe Hope* said adequate water for fire flow could be a condition.

*Nathan King* stated the water tank was on Gulf Run and comes through Lot 12.

#### ***Public Discussion***

*Patti Paine* on behalf of the Elk Creek Homeowners said they have concerns in road maintenance.

Homeowners have an assessment of dues of \$7.50 per month. No payment has been received from the



Kings and they are \$1100 in arrears. Comments on the water system -- the homeowners maintain their own. They built their own and in 1994 they entered into an agreement with the Town of New Castle and obtained grant funds to build it. The tank that has been abandoned had to be in order to run the new tank easement. The County assists in the maintenance of the roads. The water tap fee was \$5,000. The Town of New Castle charges \$46.00 per month. Lot 12 is part of the Kozak Exemption.

*Norma Fix* - property owner of Lot 1,2, and 3 at the north entrance of Comanchero Trail -- block 5. One of the concerns is flooding. She said that Mr. King took a bit of grade off the top of his property and brought it down and created a mud hole. He did bring in gravel but their drainage is messed up. Anytime the dirt is moved, water is going to come in. Eric Williams dug the ponds and agreed to keep them clean. Sewer on site -- a new home was constructed to County specifications -- and in just two years it failed. This is a big thing. Road maintenance would have to be mandated. In conclusion Cedar Way and Elk Run are not built out and she doesn't see a need for this new proposed subdivision.

Mr. Kozak and King Lloyd agreed to keep the ditch clean.

Elk Creek and Elk Run subdivision are all served by septic tanks.

Webster Cross - Owner of Lot 6 and 7 and has lived in this area for 36 years said that access would be denied to him if they change the configuration. He owns the mobile home that has settled a lot. His son lives in the mobile home. On Navajo and Comanchero his concern is access. His septic system has failed twice.

*F. C. Dobbs* lives at the top of Navajo. The photos show the tree and shed have been there for 30 years and he didn't think it was fair to require them to be removed. Eric Williams cleans the ditch every year. He asked the consideration of the Planning Commission in looking at the area and said they voted unanimously against this subdivision approval.

*Attorney Calvin Lee* representing the Elk Creek Homeowners Association who are in opposition said they are duly authorized and have Articles and By-Laws. This application is directly affecting these homeowners. Mr. King is part owner of Lot 12 and is a member of the Homeowner's Association. One comprehensive plan consideration is that there is a general policy to see houses clustered rather than spreading them out over four lots. On behalf of the homeowners they do not give consent. Historically the Elk Creek Homeowners Association have assessed fees to each of the lot owners to take care of the roads. There are 65 members in the Association. Demand letters have been given to Mr. King and his delinquent fees are \$1100. This is a public road. Maintaining a public road and consistent maintenance requires the applicant to show good effort in keeping the subdivision and the roads to standards. On the sewage disposal systems -- there is a problem with overflow and the Commissioners should be concerned of another septic system and potential contamination of the current water systems. Also adequate fire flow for fire protection should be a concern of this Board. Calvin Lee mentioned the Homeowners are prepared to pursue the \$1100 in back fees due by Mr. King legally.

*John Savage* addressed the opposition. The Homeowners Association is not running their own subdivision. The Kozak/King Exemption is part of the Town of New Castle. This has been a very adversarial situation. This is an awkward situation and neither group has all the control. The County process should not be the hammer. Septic system failure -- this is a reality but it can be mitigated. Mr. Cross's driveway will not be affected. The tree and shed he referenced are in the public right-of-way, however the Kings will work with him. Mr. Cross doesn't have the right to have the road blocked.

*John Savage* continued by saying the water agreement contains some pre-annexation language. The density at this point does not justify any consideration.

*Nathan King* said he made proposals certified to Elk Creek Homeowners Association and asked to have them return what was taken from them. The bill that they say he owes has not been substantiated. He provided the easement that comes through Lot 12 and he pays taxes and own it.

*Alina King* spoke on the septic system -- they have had their current septic system for last five years without a problem.

*Patti Paine* said that Lot 12 came with a tap before they hooked up.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go along with the staff's recommendation and not approve this application. Commissioner Stowe said this does not seem to be the best use of the property. He also expressed there were no water flows and referenced the drainage problems this seemed to create.

Discussion

Commissioner McCown said he had questions appearing on the road access, concerns regarding fire safety and the drainage plan.  
Motion carried.

***Executive Session - Tuesday's Meeting with the Rio Blanco Commissioners - Guidelines for Discussion***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the above; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

***Recess***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to continue the meeting until 9:00 A.M. Tuesday, March 9, 1999 for the meeting with the Rio Blanco Board of County Commissioners regarding the Soda Ash Project Discussion. Motion carried

Attest:

Chairman of the Board

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**MARCH 15, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 15, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**COUNTY ATTORNEY'S UPDATE**

***BLM and Forest Service***

Don said this lease needed to be coordinated with the FBO at the Airport. Carolyn Dalghren is working on this with Paul Hoffman.

**Decision on Isbill and Associates Contract**

Carolyn Dalghren mentioned that she is waiting for a phone call from Isbill. The scope of work has been completed and meets the approval of the FAA. She mentioned they have discussed the site plan -- land use. The scope of work has been drafted so that it meets the requirements of the PUD process that are important to the Airport. This will be sent off to Isbill and Associates and ask them what can they do within a certain period of time for a certain amount of money. Then we will be looking at updating as much of that master plan as is needed. Now it focuses on updating the Airport layout.

Don explained the potential of exempting the subdivision regulations and provide the Airport with its own zone district was still in consideration by this Board. Don will be asking Isbill to look at utility services and land use issues that would normally be included within an Airport plan. The Board can look at these when they get to the actual contract.

**The Engineer RFP**

Don said that Isbill is an engineer but there are really two things going on: one is to do a site plan and the other is an actual contract with an Airport Engineer. We need to comply with every FAA audit proposal requirements and getting the services of an engineer on board. Carolyn, Ed and Don are doing in terms of contracting -- this is for the planning service. There is a separate RFP for Airport Engineering services in addition to the Site Plan. Don explained the costs will be set up on a cafeteria plan.

Carolyn indicated the first scope of work concentrates on the update of the Airport layout plan which is essentially maps and layouts -- Chapter 4 -- this is the \$30,000 cost.

Commissioner McCown inquired as to the future grant for engineering costs to be done in October.

Carolyn said perhaps but it may not be.

Don responded on the \$30,000 -- the way the contracts are being structured with our engineers and architects, it's designed for them to tell us what each component of the work will cost to give the Board the opportunity to select those services they really want. So yes, the overall response maybe over \$30,000.

Ed said the agreements were structured on a lease basis.

***Executive Session - Gardner Claim***

Commissioner McCown made a motion and Commissioner Stowe seconded to go into an Executive Session; carried.

Commissioner Stowe made a motion and Commissioner McCown seconded to come out of Executive Session; carried.

Chairman Martin said the County Administrator should be given direction with the contract to go ahead and offer employment to Mr. Arnold in an interim position at the Airport and to notify the other applicants that a selection had been made. The Board instructed Ed to keep the other applications available to evaluate the replacement.

Commissioner McCown made a motion to continue the process with the applicants for Airport Manager. Commissioner Stowe seconded. Motion carried.

**ADMINISTRATOR'S UPDATE**

Ed gave his report.

### ***Jail Footprint***

The jail site location was given as suggested by Harvey Whitcomb. A comparison of the two potential layouts were evaluated. The boot configuration was the most favored. Bob Szrot agreed with Reilly Johnson's recommendation to go with the boot.

A motion made by Commissioner McCown to proceed with the boot configuration at the Airport site and proceed with the purchase. Commissioner Stowe seconded. Motion carried.

### ***Copier Companies***

Ed mentioned he had completed a cost per copy versus ownership of the machines. The bids received were more costly to pay for the copies only. This would be an annual increase of \$20,000.

### ***Review of Energy Impact Grant***

Ed went to Denver and reported that the Fire Station grant received favorable comments and it looks like this will be funded. The County will need to put in \$143,000.

Road Improvements for Rifle were also discussed. Ed projected \$300,000 may be the only amount given and it would mean the County would need to kick in \$40,000.

### ***Construction - Human Resources - Courthouse***

Phyllis will be moving into her offices next week and the only other thing needed in the new Human Resources Center is the cabinets.

### ***Emergency Management***

Met with the elected and department heads and Friday they will discuss management.

Mildred and two others presented their recovery plans. Existing vaults and safes for interim records need to be purchased. Assignments were handed out.

The Emergency Management for the Community was assessed. The clearing of roads was one issue.

Communications and a component to be ready to remove children and older folks from violent situations in homes.

### ***Computer Issues***

The ACS Contract was executed on March 8 and the cut over is set for midsummer. The KVS system is targeted for installation of 3/29; and the process has just begun for selecting a hardware vendor to replace all the non compliant Y2K PC's. This should be selected by mid-April. On the down size of the computer issue, Grand Valley Communications Group withdrew from consideration as the developer of the local area network. They just believe they do not have the resources on this side of the mountain to meet our needs.

### ***Contracts - RFP - Airport Engineer***

The RFP has been prepared for the Airport Engineer and this will be drafted this week for the Board's consideration.

### ***MOU - Forest Service***

Ed talked to Pete Blum and informed him that we would include two provisions: one was a 30 day termination by either party in case we need to use the Airport Facility this summer, we can do so with a 30 day notice; and the other is that the Terminal is subject to other uses.

### ***Weed and Pest Management***

Steve Anthony presented bids for the Commissioners' consideration on the spray unit.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the recommendation made by Steve Anthony for the Norstar Industries for \$25,081. Motion carried.

## **LIBRARY RESOLUTION**

Don DeFord stated that under this Resolution it would commit the County the first year of operation to the 75% of the 1/4% sales tax for funding. He put in the actual figures -- \$875,000 the first year of operation of the District; for the sales tax itself Allen Sartin estimated \$1,489,000. These figures need to appear in the Resolution as well as the Board's commitment to fund the Library for the first year of operation with that sales tax. The next issue would be the Tabor Issue and work on the Ballot Question.

Commissioner Martin mentioned the Board previously committed to fund the Library the first year.

*Control of the Library Board -- Potential Liability*

Don suggested this be discussed in Executive Session if the Commissioners wanted any other information regarding this subject.

*Motion to sign the Resolution*

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair sign the Resolution to establish the process for the Library District. Motion carried.

A public hearing date of May 3, 1999 was set.

## **COUNTY ROAD 109 DISCUSSION**

*Engineering Agreements*

Don presented these agreements. On Friday Don sent the last changes to Louis Meyer and these will be published for bid. Right-Of-Way has not been acquired just yet however Don did not expect any problems. He mentioned that awards would not be issued until these have been firmed up.

Bob said there were four properties yet to be confirmed.

*Two Alternative Bids*

Bob Szrot said there will be two alternative bids going out: one with the wall and one with the lay back.

*Construction Contract*

Don agreed to go forward. He noted that the possibility of different site conditions may be necessary to add as a provision.

Don said the form of agreement has been given to Louis Meyer of Schmueser Gordon Meyer.

*Project Management*

Louis is to get the County an estimated cost for this project.

Bob asked for the cost for someone to be on site all the time.

Don said his preference is to retain someone from Aspen Glen to overview the project.

This agreement will be ready sometime this week and he wants this in place prior to going out to bid.

The Board concurred with the new revisions.

*Acquisition of Property*

Jim Leuthueser mentioned this was more difficult than first perceived. He relayed the problems he had encountered to the Board.

*Ditch Issue*

Bob Szrot reported regarding the CR 109 ditch. Ina Haas, Louis Meyer and Bob went out to see where they would pipe the springs under the road. Aspen Glen volunteered to do the piping at their expense. Ian will be coordinating the effort. This will be separate and apart from the County's contract. This will dry up the Kaiser Seivers Ditch at the road. The three draws will be intercepted. Bid items are being put in for thin drains.

Don relayed the discussion with the attorney for Aspen Glen and wants it clearly understood that they do not need to dry up any other source of water.

Bob said some see pages may be encountered.

## **GARFIELD COUNTY FINANCE CORPORATION BIENNIAL MEETING**

Don DeFord said the Commissioners need to designate a new Board of Directors. The Commissioners were the entity for forming of the Corporation. It was established a few years ago as one method of financing a jail through a public finance corporation. The Board needs to authorize the Chair to sign a Resolution appointing the three current members of the Board as the Board of Directors of this Corporation and to authorize Mildred Alsdorf to update the filings.

A motion was made by Commissioner Stowe that the Chair be authorized to sign the authorization of the new Commissioners as the Garfield County Finance Corporation and to authorize Mildred Alsdorf to file the form. Commissioner McCown seconded the motion; carried.

### **RESOLUTION - TERRELL SUBDIVISION**

Don explained the procedure that included the dedication of the right-of-way.

Commissioner McCown made a motion to authorize the Chair to sign the resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Richard Terrell and accepting the right-of-way. Commissioner Stowe seconded the motion; carried.

*Vacation of Right-Of-Way - Terrell*

Don mentioned that by statute this is a public hearing however in this situation no notice was required.

Don presented the Resolution for the Board to review.

Commissioner Stowe moved to close the Public Hearing. Commissioner McCown seconded the motion; carried.

Commissioner Stowe moved and Commissioner McCown seconded that the Chair be authorized to sign a Resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for Richard Terrell that vacates a portion of the East Elk Creek Road; carried.

## **JAIL UPDATE**

Dan Hall, Jim Sears, Dale Hancock, Dave Sturges, Don DeFord and Ed Green were present.

Construction on the Current Jail Site

Jim Sears said they just received the plans.

### ***Configuration***

Harvey Whitcomb, Ed and Dale met and recommended they accept the boot versus the rectangle configuration on the jail site.

The Board decided to accept the boot configuration and proceed to get the legal description and authorize Sam Phelps to complete the survey drawings in order to purchase the lines.

### ***Improvement of the Road***

Commissioner McCown mentioned this would not be accomplished until the Road and Bridge Department moved to this central location.

### ***Revisit the Jail Issue***

Commissioner Stowe made a motion to stop most of the ongoing jail design work and talk once more to city officials in Glenwood Springs to see if a new jail can remain in the county seat instead of at a site near the county airport outside of Rifle. He mentioned that he had contact with some members of City Council and they are willing to reopen talks on the UPL site and the current jail site. He commented that a Rifle site may be premature right now and pointed out the estimated \$1.3 to \$1.5 million more in operating costs the county would take on by operating a jail and either a booking or holding facility in Glenwood Springs. Additionally he referenced the \$19.2 million was well over the County's budget -- the Commissioners wanted to stay within a \$14.25 million budget and finance up to \$10 million of the costs. The problems with the two sites in Glenwood were once again reviewed. He suggested to hold up on any further planning for at least 7 - 10 days on the Rifle site and make arrangements to sit down with all of the City Council for an all day session.

Commissioner McCown seconded the motion for discussion purposes.

Discussion

Commissioner McCown voiced his concern for the 7 - 10 day delay and mentioned these new negotiations will take us out of starting a jail this summer.

Commissioner Stowe agreed that this is a concern.

Commissioner Martin mentioned that the pre-annexation agreement with Rifle is behind already.

Commissioner McCown added that the question remains if we are willing to sacrifice the 7 - 10 days.

Commissioner McCown listed his objections: the City of Glenwood Springs has made it clear that we will need to build to their specifications; you're still going to have a community correction's facility in Rifle and operating a jail here; the need to expand the court system is evident within the next five years; we will run out of room to expand the jail here and future Commissioners will be faced with the same choice all over again; you'll be operating a jail here out of political correctness, but we'd also still be paying \$300,000 to \$500,000 to farm out prisoners because the jail is still full; and in response to the alternative sentencing as proposed by Dave Sturges Commissioner McCown said he didn't think we have a bed of roses facing us on this issue. He referenced the jail dispute has been lingering for 18 years and the costs of building a jail have gone up by 6% every year.

Commissioner Martin said he thought it worthwhile to take the risk of sacrificing the time line to try this negotiation one more time.

### ***Vote on the motion***

Martin- Aye; Stowe - Aye; McCown - Nay.

Chairman Martin gave Commissioner Stowe the go ahead to get this meeting set up.

Don said he would still anticipate going forward in the form of an agreement with Reilly/Johnson. Ed and Don discussed this earlier with the Board in what they were doing with professional engineering and architect's contracts which is to do a form that uses a release to contracts so they can narrowly define the scope of services while the general provisions would remain the same. He stated this concept works very well and would like to proceed with Reilly/Johnson and negotiate the general provisions in place and then hold off on any release to contract until what will develop in these new negotiations with the City are known.

The Commissioners so approved.

Ed clarified that site planning and PUD planning.

Don will tell the City of Rifle they want to proceed with annexation agreements and proceed with the purchase of the land.

Dave Sturges said he appreciates the decision made today and considered it to be a reality check. He would encourage the City to work on this. He agreed that parking issues are there.

Commissioner Stowe mentioned that the negotiations with the City would only be on the UPL site and the site of the existing jail only. The problems on the MOC are too many including that it lies in a floodplain. He once again referenced the \$19.2 million to get everything we need at the Rifle site and even with trimming the budget would be short. \$14 million is top end and it seems more prudent to talk with the City. Due to these new negotiations, Dale Hancock will be the only one making the trip to Salt Lake to the Community Corrections Conference.

## **PRESENTATION OF AMENDED MID VALLEY METROPOLITAN DISTRICT**

Mark Bean and Mildred Alsdorf presented the amended Mid-Valley Metropolitan District Service Plan.

A date was determined to go to the Planning Commission and they would set it for April 14.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to refer this to the Planning and Zoning Commission on April 14, 1999; carried.

The Spring Valley Sanitation District was set to be heard with this Board on April 26.

## **COUNTY ROAD PROJECTS UPDATE**

King Lloyd gave the update report.

### *Project Map*

The map project showing the County Roads was given to the Commissioners.

The report on County Roads that has happened or will be during the next week were submitted. King mentioned the foremen are updating these reports.

### *Landfill*

King said the projects are not moving as fast as he projected. There's been a lot of submittals to the State but the responses are not back.

### *Road and Bridge - Bridge Grants*

These two grants have been delayed.

King said they are waiting on the Division of Wildlife to see if they will grant the right-of-way to realign the roadway and to eliminate that old bridge on CR 312. He anticipates knowing within the next day or two with them.

### *Roan Creek - Culvert Replacement*

This is scheduled to be complete by next Friday.

*Road Projects* - CR 215 - complete; Stevens Hill - on tract with planning; Oil and Gas - weight restriction maps were completed; maintenance - bids to make award for culvert purchases.

### *Mag projects*

Responses are lagging.

### *Forest Service Gravel Pit*

Rio Blanco is suggesting not to have the County bid until next year. The Forest Service has come up with another \$68,000 in product for the project.

### *Right-Of-Way Projects*

King said they are waiting on survey material.

### *Administrative Projects*

Most are in progress.

### **UMTRA - Update**

Mark updated the Commissioners on UMTRA. Jim Hams and Department of Energy representatives are going to meet with the property owners to discuss options. Mark mentioned this in case the Commissioners receive calls. The issue is whether or not to use ground water. Rifle is wanting the Commissioners to put a zoning restriction over this area to control usage of the property.

## **BILLS**

A motion was made by Commissioner and seconded by Commissioner to approve the bills as submitted. Motion carried.

## **AWARD BID FOR DUST SUPPRESSANT**

Mike McBreen presented the bids for the 1999 Magnesium Chloride for Road and Bridge. The Road and Bridge Department recommended the award go to GMCO Corporation for \$0.254 per gallon.

Commissioner McCown so moved to approve the award to GMCO Corporation for \$0.254 per gallon. Commissioner Stowe seconded. Motion carried.

Commissioner McCown moved to approve the items under the Consent Agenda and authorization for the Chair to sign as follows:

RESOLUTION AND PLAT - SPAULDING

ENGAGEMENT OF SERVICES - BLAKE JORDAN

AMENDED PLAT FOR CEDAR HILLS SUBDIVISION

AMENDED SUBDIVISION IMPROVEMENTS AGREEMENT - SUN MESA

RESOLUTION - DENIAL - KINGS HILL SUBDIVISION

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the consent agenda including authorizing the Chair to sign: Resolution and Plat for Larry Spaulding; the engagement of services for Blake Jordan; an amended plat for Cedar Hills Subdivision; an amended subdivision improvements agreement for Sun Mesa and a Resolution of denial for the Kings Hill Subdivision; carried.

## **REQUEST FOR EXEMPTION FROM THE DEFINITION OF SUBDIVISION FOR THE PROPERTY LOCATED AT 5807 CR 320 TO CRETE A FIFTH EXEMPTION PARCEL FROM AN EXISTING EXEMPTION PARCEL. APPLICANT: DONALD & KATHLYN GERMANO**

Don clarified that the Germano's need to proceed to file through the exemption process and bring it to the board for consideration.

## **CONTINUED PUBLIC MEETING: REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION. SAID EXEMPTION WOULD CREATE FOUR (4) PARCELS OF 5,5,5 AND 182 + ACRES. PROPERTY LOCATED AT 6343 CR 301, PARACHUTE, CO, HOLMS MESA, 3 1/2 MILES SOUTH OF RULISON. APPLICANT: JAMES AND JUDY LEMON.**

Don DeFord, John Barbee, Jim and Judy Lemon were present.

John Barbee said this is an exemption from the definition of subdivision to create four exemption parcels of 5,5,5, and 182 +- acres. All lots are proposed to share a single well and to use ISDS.

John mentioned the well permit as an addendum to the packet.

Recommendation:

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, 25 ft. wide 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 per lot in School Site Acquisition Fees for the creation of the exemption parcel.

That the following plat note shall appear on the Final Exemption Plat:

- a) All driveways shall provide a minimum unobstructed width of 12 ft. (3.7m) and a minimum unobstructed vertical clearance of 15 ft. (4.6 m).



- b) All curb cuts at entrances to driveways or other private ways shall be of sufficient width to permit safe travel by emergency vehicles at all times of year.
- c) Turnouts shall be designed and constructed every 400 ft. (122m) along the driveways length.

Prior to the approval of an exemption plat, the applicant will demonstrate that the spring will meet 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 draw down 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) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.
- 7) If the spring is to be shared, a water sharing agreement will be filed with the exemption plat that defines the rights of the property owners to water from the spring.

That the applicant, and any future property owners of said property agree to, as a condition of future continued approval of the special use permit, that if, in the future event that the property described by this special use permit, has the reasonable ability to connect with any municipal or centralized water and/or sewer system, the subject property owners shall be required to connect to said service and remove any exiting well head(s) and individual sewage disposal system(s) which may be located on said property, within one year of the effective date of service availability."

The applicant shall abide by the NFPA 299, Standard for Protection of Life and Property from Wildfire recommendations as it relates to driveways.

Commissioner McCown stated that with an access that long, another emergency egress has been required. Chairman Martin mentioned that this has been the requirement of the County for a long time.

Jim Lemon mentioned the only way he could create an additional access would be to purchase an easement from adjoining neighbors.

Commissioner McCown mentioned this was to be an emergency egress or access for wildfire mitigation.

Don mentioned that an SIA was not normally required for an exemption. He asked that directions be provided to staff as to the structure of this emergency egress.

Directions to staff

Chairman Martin wanted to add "suspended solids" in No. 6 subsection (6).

Jim Lemon stated he was planning some type of a gravel road for access to these lots. The lot owners would be in charge of regular maintenance.

The Board wanted a 25 foot road and a 40 foot right-of-way.

Commissioner Stowe wanted the easement to be 40 foot but the road would continue to be 25 feet with a 16 foot driving surface.

Chairman Martin mentioned that a letter was received from Connie Earhardt.

A motion was made by Commissioner McCown and seconded by Commissioner McCown to approve the request for an exemption from the definition of subdivision for James and Judy Lemon creating r parcels with staff's eight recommendations as shown in the staff report; adding No. 9 - "an emergency egress be available from lot 1 back south to CR 301."

Chairman Martin mentioned that he would like to have Item 6 subsection 6 - "suspended solids" be met in the water testing.

Commissioner McCown included the suspended solids and a 16 foot driving surface could be included instead of turnouts if the applicant found this to be better; and the total easement be 25 foot easement.

Commissioner Stowe seconded the amendments; motion carried.

## **CONTINUED PUBLIC MEETING: VACATION/DEDICATION CR 162. APPLICANT: ADRIANNE COUCH**

Mark Bean and Don DeFord was present.

Mark said Ms. Couch is not available. The plat has been drawn up and they are in the process of the alignment. Kenny Gardner has gone up and verified the new road alignment. Mark said what was needed was a motion for placement of the appropriate items in the consent agenda for approval.

Commissioner McCown moved to close the Public Meeting. Commissioner Stowe seconded; carried.

### ***Joint Meeting - Board and City Council***

Friday March 19 at 9:00 A.M. was set for the meeting for the City Council and the Board of County Commissioners.

## **BOARD OF HEALTH**

Mary Meisner submitted the Commissioner with packets of information.

### ***Pediatric Access Task Force***

Mary said that the designation of "medically under served" is looking good for this area. Valley View Hospital has pledged space and will also be willing to look at labs and x-rays for the center as well. This is for the east end as the west end has already been declared a rural health center.

### ***Letter of Support***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize all of the Commissioners to sign the letter of support for this "medically under served classification." Motion carried.

Diane Maiden and Dr. Chris Tonozzi of Columbine were present.

A key factor was in Richard Allen of Medicaid calling Colorado Community Health Network which is the Colorado Association of all the Community Health Centers and saying that we need a Community Health Center in Garfield County -- can't you help us.

Columbine has been taking care of the uninsured and Medicaid participants.

In January they began and found an overwhelming need to offer care for about 20% of the population who do not have insurance or low income. It is more than Medicaid situation. The hospitals have been contacted and free space has been committed as well as pharmacy and lab.

Diane Maiden said she has written some small grants for startup and they are asking \$350,000 in the large federal grant. This would mean they would receive \$350,000 each year. Outreach is a key factor and includes a lot of collaboration with Mary Meisner and Margaret Long.

Dr. Chris Tonozzi addressed the medical part. He said they would be open for all ages, hospital, outpatient, auxiliary services, x-ray, lab, and women services. Women services does not include prenatal as it is done by Healthy Beginnings. He said there will be an eligibility screener to assist in going through the paperwork. Some may qualify for a sliding scale. They will need to provide proof of residence, last 3 months of income, etc.

Diane Maiden said they try to keep this streamlined. The clinic will be bilingual - Spanish; some nontraditional office hours will be offered as well. They will work also with the elderly. Columbine Health will be the operator of the clinic and have an advisory board of up to 6 people and possibly 2 of those would become Columbine Home Health Board Members.

Mary Meisner passed out the presentation given at the Human Commission meeting.

Diane Maiden said they work with Boulder, Gilpin and Clear Creek Counties and to bring in the coordination of what resources are available would be a high priority. There would be Medicaid dollars to provide for an outpatient Medicaid paper worker. The next steps include notice of federal funding and a commitment with Medicaid to operate some type of a clinic even if the federal funding doesn't come.

Diane said her goal is to have a community health center up and going by August of 1999.

### ***Space***

Diane said there is about 2000 sq. ft. provided in the first year and availability to expand up to 4,000 sq. ft.. Valley View Hospital has committed to the long range plan.

Dr. Tonozzi said Valley View Hospital will be building Glenwood Medical Associates a new building and the hospital administration will move to the current Glenwood Medical Associates building; and space will be committed within the hospital.

Diane mentioned Garfield County would be the focus of the medical care.

Commissioner McCown asked if the entire Garfield County would be eligible for this clinic?

Diane said yes.

Dr. Chris Tonozi said there would not be any barriers.

### **PUBLIC HEARING EXTENSION OF PRESHANA FARMS PLANNED UNIT DEVELOPMENT**

Mark Bean, Don DeFord, Kevin Patrick - water attorney and Herb Cline Attorney for Jay Weinberg were present.

Mr. Cline mentioned that his client is a perspective purchaser under contract to buy Pershana Ranch. He stated that there was a provision in the Preshana Farms PUD approval they are required that by February 9, 1999 there be a provider for waste water. They have been working with the Mid-Valley Sanitation District. Now this seems to be a very productive process. Kevin Patrick, water attorney was present also.

The Ranch at Roaring Fork hasn't said no yet. A district plan has been submitted. There is not a fully executed contract for waste water but a lot of money has been spend in trying to meet this condition. However, at this time they do not have the fully executed contract. He mentioned they do have a pre-inclusion agreement that is in its very final stages of discussion and negotiation.

Mr. Cline stated they would like a 6 month extension and asked the Commissioners to extend the time. Mark explained a technical error in the noticing.

John Barbee said it was re-noticed for April 5, 1999 at 1:30 P.M.

### **HUMAN SERVICES COMMISSION**

Lisa Pavlisick, Michael Lucid, Renae Brown, and Julie Olsen of Advocate Safehouse were present.

Lisa announced the social events and fund raisers upcoming for Healthy Beginnings. She mentioned the Humanitarian Awards Luncheon scheduled for April 7, 12 noon until 2:00 P.M. at the Hotel Colorado -- cost is \$9.00.

#### ***Colorado West Mental Health Services - Michael Lucid***

Michael Lucid discussed the services within the County. He submitted a packet of information.

The structure was outlined; the impacts and updates and a new area of work was explained.

Structure

Recently there have been a group of providers consisting of private practitioners that are forming private groups. Mental health therapists are also forming groups. Family practitioners are doing a lot of mental health as well. Department of Social Services provide mental health and Garfield Youth Services as well. He referenced that there were three types of mental health clients: biologically based disorders known as chemical imbalances; personality disorders dealing with how they relate to each other and the world; and a larger group dealing with daily life issues that are creating stressors and trouble with the normal coping capabilities.

All of these groups have varied degrees of problems. Some can function the same as the rest of us and others struggle with their disorders. The agencies are the ones that continue to work with the ones with the most severe problems.

Michael explained some things going on in this area that are affecting Colorado West and their ability to provide services. The same things have been happening in other parts of the country as well. One of the major factors is the use of managed care plans and the costs associated for managed care principles to control or reduce costs. Colorado West has about 270 employees - and we were self-funded in our insurance product. This last calendar year we will have spent \$1.1. million on health benefits and only budgeted \$900,000 making a \$200,000 overage on these benefits. Recently, we purchased HMO's for these 270 employees. In the past there were very few HMO's out there -- now a lot of companies are purchasing that kind of coverage in order to control the costs. What is happening to providers then is the payments received to provide services and the number of individuals covered to get services in going down. In 1985, 6.4% of every health benefit dollar that insurance paid out was spent on behavioral health. 10 years later that number is 3.2% so our area has really been down in terms of payment. The other thing they are seeing in this region besides the lowered payment from some traditionally payers is competition for clients -- the bottom line is that those who have less than severe needs and who have money are the ones that find services elsewhere. Colorado West is a major player in the area where residential care or hospitalization and folks with limited resources.

Colorado West is a private, nonprofit organization and provide services in a 10 county, 23,000 square mile region. There are offices in Grand Junction and in Walden as well as Glenwood Springs. They contract with the State of Colorado to be the mental health provider in these 10 counties so they are a safety net

provider. Over the last 12 years they experienced tremendous growth but is beginning to slow. The Commissioners support Colorado West through the Human Services Grant to \$24,000 through the Human Services Grant that supports the psychiatric emergency services. In 1998 Colorado West was honored as the best mental health center in the State of Colorado.

Michael Lucid referenced page 6 of the material handed out to the Commissioners showing a graph of the revenue since 1985 where they went from about \$2 million of net revenue to over \$13 million in net revenue. They've been able to get revenue from a myriad of resources over the year to build this system of care that is in place. What is happening now is a real problem -- the growth in revenue over the last two years has been flat and this agency is starting to feel the decrease in revenues plus the competition and consequently are having difficulty in maintaining the current level of services.

Several years ago Colorado West was part of a group that received funding for alternative or acute treatment units out on the western slope -- these are residential alternatives to in-patient hospitalization. That funding was for 12 beds and they built 18 -- 12 in Grand Junction and 6 in Glenwood Springs. Over the years they have subsidized these 6 beds through other operations and other sources of revenue. They also did something similar to the detox facilities. ADAD gives them a certain amount of funding to do detox -- basically 12 beds in Glenwood Springs -- but they did was started a detox holding facility in Breckenridge, Eagle and up in Aspen with the same amount of money and subsidized those operations. This is another area of difficulty and they are having trouble doing this. The newspapers reported some changes going on in their system.

One of the measurements that people use to judge how well a managed care is working is something called a penetration rate. This is the percentage of people that use your service from the population that can access it. For Colorado West they are running a Medicaid HMO for mental health services. Their penetration rate for Garfield County the first part of the year is 14%; annualized it would be 28%. What that means is that 28% of the Medicaid eligibles that could access service in Garfield County did during that time frame. The average throughout the country is 8%. So Colorado West is creating a great deal of access. Adult services they provide 100% more than the statewide average for mental health centers and 75% more than the statewide for adolescents and children. This again has been due to the ability to subsidizing these operations from other sources. Michael said they are estimated they will service about 1800 clients in 1999.

The attempt now it to "right-size" their organization. There has been an 8 - 10 staff reduction in Garfield County in October; Therapeutic services at Western Academy ended this week; and sometime this month they will be closing the acute treatment unit in Garfield County. Detox holding facilities have been closed in Eagle and plan to close the one in Pitkin. They are trimming back in order to live within their means. The major areas that were impacted in Garfield County were the Child and Family Team so they have been working with Social Services to minimize the impact.

#### *Programs - Severe and Persistent Mental Illnesses*

Mental illnesses affect the moods, feelings, thinking, perceiving and processing information. Colorado West manages the symptoms of schizophrenia, manic depression/bipolar, major mood disorders -- a major factor is medication. Colorado West teaches them about their illnesses so they can understand how it affects them. And Colorado West provides rehabilitation and therapy -- these people have to live in a community and deal with life. A new thing Colorado West is doing is around the area of self-help -- the basic goal for these people is to work well, play well, and to love well. Jim Fink has been hired who has a bipolar illness. He recently graduated from school. He's the community support program person. Currently he is organizing some clients to form self-help groups. They have also added a full time psychiatrist for this area and an advanced nurse practitioner who has prescription authority.

#### *Advocate Safehouse*

Julie Olson requested a letter of support from the Board of County Commissioners in asking for a \$14,000 grant for emergency shelter. This is money that covers a safe house assistant and utilities, gas, electric, phone, maintenance, and pays the bulk of insurance for property and liability.

Julie said she would fax the Commissioners a sample letter. The letter should be addressed to the Division of Housing -- Department of Local Affairs.

The Board indicated they would be meeting again on Friday, March 19 and could take action at that time.

### **BOARD OF SOCIAL SERVICES**

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to second the motion to go into the Board of Social Services; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services; carried.

***Resolution - Library District***

Don presented the Resolution that will be published on the formation of a Library District stating the Commissioners agree to move forward with a public hearing.

Mildred was directed to proceed to publish in the newspaper.

The Public Hearing is set for May 3, 1999.

***Letter of support - Advocate Safehouse - Grant for Emergency Housing***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign a letter of support for the Advocate Safehouse addressed to the Division of Housing --

Department of Local Affairs requesting a grant of \$14,000 for emergency shelter; carried.

***Resolution - Distribution of Funds National Forest***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign a Resolution concerning distribution of receipts from the National Forest Reserves, 1998, and directing the Garfield County Treasurer to make disbursement; carried.

***Recess***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recess the meeting until Friday at 9:00 A.M. with the City of Glenwood Springs to discuss the jail sites; carried.

Attest:

Chairman of the Board

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**MARCH 23, 1999**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The special meeting of the Board of County Commissioners and City Council of Rifle began at 6:00 P.M. on Tuesday, March 23, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and County Clerk and Recorder Mildred Alsdorf.

Agenda Items Included: Site Development Issues; Development plans and sequence ;Reversion -- Court Hous Water Tank; Responsibility for sewer and water line extension.

Ed also gave a soils investigation report saying that the geologic conditions are good for building but difficult to excavate. There is a low moisture content, high load capacities, and low settlement. There is some background radiation levels.

Ed gave the Rifle City Council a report on the status of the airport saying the County will interview for the Airport Manager this week; site drawings for the airport master plan will be completed by Isbill and an RFP for the engineering services will be out in April.

Attest:

Chairman of the Board

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**MARCH 29, 1999**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The Special meeting of the Board of County Commissioners began at 1:30 P.M. on Monday, March 29, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and County Clerk and Recorder Mildred Alsdorf. Others present included: Sheriff Tom Dalessandri, City Manager Mike Copp, Deputy Sheriff Jim Sears, Community Corrections Al Maggard, Stan Stevens, Gene Park and John Scalzo.

Agenda Items Included:

Liquor License Renewal - Trappers Lake

Public Hearing Set for Spring Valley Sanitation

Discussion on the Fire Ban

Discussion on the Jail

Executive Session - Litigation

***Trappers Lake - Renewal Liquor License***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the renewal license for Trappers Lake; carried.

***Public Hearing Set for Spring Valley Sanitation***

April 26, 1999 was the date set to hold the Public Hearing for Spring Valley Sanitation.

***Jail***

May 11, 1999 will be the date of the City of Glenwood Springs election regarding vacating Pitkin Avenue.

***Executive Session - Litigation - RFRHA and Gardner***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

***Public Hearing Set for Spring Valley Sanitation***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to have Blake Jordan of Sherman and Howard look over the Mid Valley Sanitation Plan; carried.

Attest:

Chairman of the Board

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**APRIL 5, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 5, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Martin called the meeting to order at 8:00 A.M.  
Walt Stowe had to leave for a family emergency at 9:00 A.M.  
The Calendar of Events was reviewed between the Commissioners.

**COUNTY ATTORNEY'S UPDATE**

Don DeFord met with the City of Rifle and received the first draft of the annexation proposal. He has also had discussions with Lee Leavenworth. He also spoke with David Hawker and a new draft should be coming to the Board.

Don reviewed the election material with respect to abandoning Pitkin Street.

***Fairgrounds Contracts***

Commissioner McCown moved to approve the following Fairgrounds Contracts:

April 10 - April 12 for Pax Loya

April 16 through April 18 for Rifle Kawanis -- After Prom Party

May 1 - May 2 for Kenny Latham

June 10 - June 20 for Western Slope Motor Sports Festival

Chairman Martin stepped down as Chair to second. Motion carried.

**ADMINISTRATOR'S UPDATE**

Dale Hancock presented documents for the Chair to sign:

***Community Development Block grant Assessment for Battlement Mesa Assisted Living***

Dale mentioned this was for public record and requested \$29,740 be approved for wire transfer to Northwest Bank of Colorado for Interim for furniture, fixtures and equipment for Battlement Mesa Assisted Living Facility.

Commissioner McCown so moved and Chairman Martin stepped down as Chair to second the motion; carried.

***Community Corrections - Cognitive Skills***

Guy Meyer recommended continuation of the cognitive skills program. The feedback and results are surprising from the offender population. It's these types of programs that are beginning to make a difference on getting these guys out of the system.

Commissioner McCown so moved and Chairman Martin stepped down as Chair to second the motion; carried.

Allen Sartin filled in for Ed Green and gave the Administrator's Report:

Ed completed the long range strategic planning and the improvement plans will be forthcoming.

The Treasurer/Assessor systems are underway and going well. They will proceed with a training on the system. The KBS system has been installed and the project is moving okay. Dale now has a PC which he needed badly.

The majority of the hardware has had to be replaced. It was not Y2K ready. One PC has been freed up and Mark in Building and Planning will be using this.

There is a patch available to assist in the Windows '95 conversion for Y2K.

Mark Bean reported that Don DeFord and he met with Leavenworth and Tester to put together the public notice for the Spring Valley Service Plan. This is scheduled for the Commissioners on April 26; Allen asked to confirm the date.

Request for Waiver of the Impact Report for the Flying J Annexation of Rifle



Mark stated this includes the property by the Rifle High School and Dog Pound -- annexing a portion of CR 265 to lease the subject property. This portion of CR 265 is comprised of 1.637 acres.

Commissioner McCown said he would like them to continue down to 16th street where it connects with the by-pass.

The Board was concerned about the checkerboard effect similar to Midland Avenue and were concerned. Mark suggested to agree to the waiver but state the County would like them to consider the annexation to the by-pass.

A motion was made to authorize the Chair to sign a letter drafted by staff addressing this waiver of annexation by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair; carried.

#### ***City of Glenwood Springs City Council***

Ed, Don, Dale, and Mark will be meeting with the City of Glenwood Springs City Council for more discussion concerning the jail location.

#### ***Transfer of Titles - Motor Vehicle Pool***

Mildred submitted some Titles for transfer and asked for authorization of the Chair to sign. She stated these were in the motor vehicle pool and would be traded in for new vehicles.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion; carried.

#### **EMPLOYEE OF THE MONTH**

Denise Sellers of Social Services was named the Employee of the Month for April 1999.

Barbara Ramirez, Denise Sellers and Margaret Long were present.

#### **PURCHASE OF DEVELOPMENT PROGRAM**

Wayne Allard representing the Agricultural Committee gave a presentation to the Board on the work of the agricultural committee on continuing the efforts to protect agricultural land in western Garfield County.

Wayne submitted the following handouts:

Study Areas 2 & 3 Comprehensive Plan, Including 80 - 160 -Acre Densities; Garfield County and the City of Rifle Model TDR; and Estimations of Cost to Fund Agricultural Conservation Easements through a Purchase of Development Rights (PDR) Program.

Wayne stated that 216 or 31% of the inquiries were returned on the survey. Some of the comments made on the survey included: preserving the agricultural is the most important item to preserve; and preserving agricultural as a viable industry was important but they did not want to shut down industry totally.

*Purchasing Development Rights - Similar to TDR - Montgomery County in Maryland*

Wayne stated that in Montgomery County, Maryland they have a program very similar to what they want to do here in Garfield County. They were losing ground at the rate of 1400 acres per year. In the Montgomery County there is a total of 316,000 acres of deeded land. In total acres that were determined feasible for development is only 205,000 acres. According to research in the Roaring Fork Sunday, January 3, 1999, an article mentioned some things of great concern -- the rate at which this County is losing property in Garfield County. The article reported from Aspen to Battlement Mesa there are 12,706 units proposed in Garfield and Pitkin Counties, but not yet approved. At this rate with the present zoning, 10% of ground would be lost on an annual basis as it is. In Garfield County a program was started to determine what was needed. They knew they needed support from the municipalities and went before the Silt Planning and Zoning. Silt made a motion to the effect at that meeting in support of reservation of ag lands -- "Dan Becker made a motion that the Planning and Zoning Commission lend its support to agricultural conversation committee of the SAEVC in exploring specific options to preserve agricultural land and develop a comprehensive plan draft language to present to the Board concerning this issue with special emphasis on the fact that we are receptive to receiving densities in the town of Silt to preserve viable agricultural lands. Michael Lyons seconded the motion -- carried unanimously.

On the 8th of April at 7:00 P.M. at the Silt Sale Barn there will be another meeting where they have sent out over a 100 invitations to all the ag land owners in the community with the purpose of the meeting to find out the concerns the agricultural people have. This must have a commitment to keep the comprehensive plan in place or it will not work.

Rifle has it stated in their Comp Plan that they are in favor of preserving their ag land.

There are two major ways to finance this - TDR's and PDR's. TDR - transfer development rights

PDR = purchase development rights.

This program would give some of the ranchers an option.

Wayne would like it voluntarily. A bond issue has been discussed. This has been very receptive to purchase the PDR's.

Another thing is the clustering of development. They would want to put development into blocks.

Several more meetings will be scheduled in order to meet all of the various groups.

Chairman Martin summarized that the program is a way to recognize the urban growth boundaries, to work with the comp plan between cities and county and to have a program that is voluntary, acceptable to the ag committee as well as to the cities to take in higher densities within their own zoning -- the real challenge of this is to find a supportable funding source that everybody will be able to live with.

Barton Porter - remarked that on the 2 acre minimum he would rather have it reduced and not go down.

Wayne has a good idea as long as it's voluntarily. Would not want the County to impose additional restrictions. Don't limit his options.

Chairman Martin assured it would be voluntarily.

## **PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA**

*Ronald H. Perry - Garfield County Parks and Recreational*

Ronald said that he was interested in heading up an advisory group. Anne Mackley and he have been working with landowners to leave their land for recreational uses. A Parks and Recreational Committee was formed in New Jersey. This is his model used.

Ronald mentioned this may be something the ag land individuals would be interested in and he and Anne were going to pursue this further and keep the Commissioners updated.

*Gene Parks - Grand Valley Citizen's Alliance*

Gene stated his purpose today is to ask the Commissioners to support the Bill introduced into the Legislature. He requested the Board to send a letter or a fax. The Bill will be heard on Tuesday, April 6. HB 1343 is on gas development. Changing the conflict of interest is the main focus of the bill. The owners of the surface rights are not given much consideration - usually it is the down hole rights that are given the most attention. Wildlife is a renewal resource and for Garfield County all the moneys coming in averages over \$54 million dollars a year. Gas is not a renewal resource. The problems are the manner in which the oil and gas industry has taken care of these and the make-up of the oil and gas commission. Thus the bill will address this.

Commissioner McCown explained that changing the balance will not solve the problem. By statute this oil and gas commission are given the responsibility of preserving the rights of the down hole owners. Thus it wouldn't make a difference as to who is on the oil and gas commission. He said he personally had a problem as a Commission in supporting the bill.

Chairman Martin said as individuals they could support the bill.

## **FINANCIAL MANAGEMENT POLICIES - REVIEW AND DISCUSSION**

Allen Sartin recommended that the Commissioners review the set of financial management policies with the intent to identify any desired changes prior to adopting them at a later date.

Discussion

Dale Hancock, Ed Green and Georgia Chamberlain were present.

Allen explained that there was a lack of common understanding of what the function was of the accounting department. Thus he drafted some financial management policies in connection with Dale Hancock. The department heads held a meeting with Allen where he reviewed the draft policies with them. Today is a discussion of these policies.

Georgia stated that she likes the goals and supports the policy. Currently there is a gap in the policies as to what is being done.

Allen explained that he was trying to come up with a set of policies to be implemented with the new system. The new system will be implemented in early May. Allen will submit procedural documents within the next few days.

Georgia commented that verbal communication is very important and has concerns about cumbersome paperwork. She is uncomfortable with line item budget proposal.

Mildred commented there was bottom-line budgeting now and she felt they needed to look at the differences between line item and bottom line budgeting.

Chairman Martin said he personally was more comfortable with line-item budgeting.

Commissioner McCown said the budgeting system with the bottom line is insignificant as it is flexible to move within the needed items.

Georgia explained that during the year what is proposed here in Allen's draft would mean if they exceed a line item as in an example - postage - then it includes some cumbersome paperwork. This would mean you take it away from another item or would require a negative line item. She was not taking about supplements.

Allen explained that it benefits the departments because it reflects the line item accounting per month.

Mildred mentioned that in doing a budget there needs to be recognized and have the realization that there are extenuating circumstances. This would require a supplemental according to Allen's proposal.

Georgia gave her example of why this would be problem for her and didn't feel it was a best use of her time to spend time adjusting line items.

Chairman Martin suggested to move forward and implement the policies and attempt to work out the bugs.

Commissioner McCown suggested to move forward but understands there is another policy forthcoming.

The Board gave Allen that direction.

### **CONTRACT FOR REPORT WRITER SOFTWARE**

Allen Sartin recommended that the Commissioners approve the contract to license utility "Report Writer" software from Cyberscience Corporation to be used in conjunction with the KVS Financial Management System. The contracted expense amounts to \$3,250.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to authorize the Chair to sign the contract for "Report Writer" Software for \$3,250; carried.

### **JAIL DISCUSSION**

Dale Hancock, Sheriff Tom Dalessandri and Al Maggard were present.

Tom mentioned the blue prints were finalized and the contractor would be selected. A ballpark figure was between \$50 to \$60,000.

Don mentioned he still doesn't have a contract with the Architect Bob Johnson.

#### ***The City for a Special Use Permit***

Don mentioned if the County was going to proceed with the documents to pursue a SUP with the City we really have to have an agreement in place as this requires some rather detailed drawings from the architect. Can't move on the Pitkin Street vacation until the election -- May 11.

Chairman Martin said he prefers to have both working and beat the time line should we submit a request to the City. He mentioned a positive attitude from the City to have the jail in Glenwood. They have 5 concerns:

- 1) That the City would be guaranteed easements for realigning the utilities beneath the street;
- 2) That the jail would be built next to the Courthouse. Chairman Martin said they would put it 40 feet away which is what the city code calls for;
- 3) That the City would be allowed to build their City Hall in the immediate area, making the Courthouse/Jail/City Hall into a one-stop shopping government complex;
- 4) That the City would be allowed to have a chunk of the UPL property to extend 8th Street west to the Roaring Fork River Bridge; and
- 5) That a design for a new jail be completed and a drawing or preliminary sketch be available to put before City voters so they will know what they are giving up that one block of street to get.

The size of 192 beds needs to be a comfort level for the Board.

Ed submitted an analysis based on the record of inmates housed in the jail.

Tom said the UPL design was to include an expansion of 48 beds by vacating the administration portion.

Ed explained how many beds are needed for lock down. He built a model to help identify from a growth standpoint. He obtained the last lock-down numbers, did an accumulative trend review of this lock down data as well and also calculated the averages over the time period -- did the standard deviation calculations of that average. He took all of that and census data from Rob and tried to integrate the census data and develop a stream to 20-20. What he found out when he did that was that the census is flawed and not giving an accurate reflection of what is happening in our County. They projected a 1 - 1/2 % grown but actually it is 3.0 - 4% per year. The actual growth in lock down over the last four years indicated the

averages gives us a result of 157 - 170 range but it keeps the current programs as they are currently in operation.

Tom indicated the numbers were a hard thing to project and they wrestled with it all the time. DOC'ers are a real variable.

Don mentioned the need to have some flexibility is due to the fluctuations within the numbers of lock-down.

#### **CONTINUED PUBLIC HEARING: PRE-PLAN FOR RANCH CREEK PLANNED UNIT DEVELOPMENT WITHIN RANCH AT ROARING FORK.**

David Brown, Don DeFord and Mark Bean were present.

David submitted a letter he received Saturday from the Homeowner's Association stating they will provide water and sewer service for up to 22 single family residential lots in the proposed Ranch Creek Subdivision subject with the some comments.

Don stated that the letter is highly conditioned and in previous action by the Planning Commission was to deny the application as incomplete.

David stated his interpretation of the first page is the same way where the sewer provider would say pending payment of the sewer tap fees they would serve.

Don explained the Cerise Ranch conditions.

David said the Ranch has done some outflow mitigation and on current capacities the taps exceed what is needed. They feel the 21 taps are something they can handle.

Don stated he needs to know more about what they mean.

Mark gave an update about Ranch Creek -- they have gone through the process and they do have site application approval; they are in the process of getting approval from the state for the plans and specifications for their proposed plan. This is being held in abeyance while they are trying to make some decision about the Mid Valley Sanitation District. The Ranch is saying they do not have any interest is pursuing and going forward with Mid Valley Metro District in trying to develop a regional plan and have in fact with conversations with the state a letter requested the state approve the Ranch's plans and specifications per their site application limitations. The Ranch at this point is only willing to stay with the original plat that they proposed that served their project and the Ranch at Roaring Fork as well as what was proposed at Pershanna Farms and St. Finnbar.

Mark stated that Mid Valley currently has no legal ability to serve Cerise Ranch and he also stated that this is a preliminary plan and not a rezoning. The Ranch at Roaring Fork actually technically have the ability to serve the existing plan. This is how the original approval got through the process with the County.

There are a couple of options: The Board can hold off -- we have continued this preliminary plan hearing and the decision hasn't been made technically on it subject to try and resolve these issues because we keep thinking the state is going to respond. When the board approved the original plan, they asked that the Ranch pursue inclusions for the Pershanna and St. Finnbar.

The State has approved the site application and is not in the process of reviewing and waiting on whether or not they are going to approve the plans and specifications in the hopes that they would be a resolution with Mid Valley Metropolitan District.

David said he would be willing to continue this -- the record was to reflect this in the minutes.

Commissioner McCown stated he wants to continue this matter for 90 days.

A motion was made by Commissioner McCown to continue this until July 6 at 1:30 P.M. Chairman Martin stepped down as Chair to second the motion; carried.

#### **CONTINUED CONSIDERATION FINAL PLAT, OAK MEADOWS FILING 4 BEAVER COURT**

Mark Bean and Don DeFord were present. Mark mentioned the State has approved the plans and specifications for the Oak Meadows Sewage Treatment Works. That approval is in place and now other portions of the agreement are required.

Don mentioned under our agreement they are required to forward, construct the plant; they have to secure the construction of the plan.

Mark mentioned this plan of sewage treatment was different in the terms of treatment on the State level with respect to it's viability in this climate. The State has approved it with some tight standards they will have to meet.

Don mentioned the Board should continue this one more time to get written documentation finalized.

Mark said they are going forward with the preliminary plan and it will be going before the P & Z in May.

Davis Farrar is working on it.  
Don suggested to continue this until June 7.  
A date was set for June 7 at 1:30 P.M.

#### ***Peach Valley -- Amended Plat***

Formerly Peach Valley Amended Plat was set on the consent agenda. Several individuals expressed concern as they wanted to speak to the Commissioners.

#### ***Organization Structure -- Changes***

Ed Green handed out a new Organization Structure that allows Mark to go back to Building and Planning; Bob Szrot and King Lloyd will now report to Ed. Weed and Pest will be under Road and Bridge as well as Extension.

The Board agreed with the changes as presented.

#### ***County Engineer - Training for Steel Building - Fairgrounds***

Ed mentioned that training funds for the construction of the steel buildings at the Fairgrounds were budgeted and Bob Szrot has requested to attend the 3-day seminar in San Antonio with a cost increase of \$553.00. Bob's concern is to produce the best product possible; Ed recommended to send Bob to San Antonio - the seals are the biggest issues. This training will enable Bob to better deal with the administration and construction of the building.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second to send Bob Szrot to this training.

Discussion

Chairman Martin clarified if Ed can find the extra \$553.00 in this budget item it would be okay.

Motion carried.

#### ***Watershed Policy***

Bob Szrot has requested to establish a Board to work with him on the watershed policy committee. The request includes to authorize Bob to gather names to submit to the Commissioners who are willing to work on a this type of a Board that the Commissioners appoint. He is recommending a 7 member county-wide board that will be advisory in nature and have input into water related issues such as sewer plants and the like

The Board gave approval.

#### ***Library Landscaping Project***

Bob is obtaining a quote from a landscaper; the Rifle Correctional facility withdrew their participation saying there is no interest in dealing with it at all. The interference of the public was not popular with the Rifle Correctional facility.

#### ***Library Board Appointment***

Ed mentioned that Francis Hoffman resigned; Mark Iddings is available and has expressed an interest in the appointment.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to appoint Mark Iddings to the Library Board; carried.

#### ***Accounting - Personnel Update***

Wendy Mead - Deputy Accountant

Ed stated that Wendy was formerly employed by CMC.

On the New Controller position for Accounting, they should know by Wednesday if the person selected has accepted.

#### ***Extension Report***

Ed said he met with Carol McNeel and representatives from CSU to interface and discuss some concerns. CSU is willing to provide graduate interns and are willing to let some folks participate in special projects. This can be used as resource.

#### ***Airport Report***

Chris Piefer and Paul Hoffman the FBO met with Ed Green and Carolyn Dalghren to talk about terms of the lease and immediate issues such as what a based aircraft means. Those terms have resolved to everyone's satisfaction.

#### ***Rifle Fire District - Fire Station - Airport***

Ed met with Pete Bloom and discussed the principles involved in building the new fire station. Basically there will be an Memorandum of Understanding to come out of this. Pete Bloom of the Forest Service has the action for developing this and will provide that within the next two weeks. It will authorize Phil Vaughan to complete the design and construction is expected to commence in midsummer.

Don clarified that this agreement will specify each of the governmental entities on their contribution toward this.

Ed stated that the \$160,000 being transferred to the fire district has not been resolved but Allen, Dale and he feel certain this was already done in 1998.

Commissioner McCown said this was pending the outcome of the Energy Impact Funds.

Ed commented that this is the issue to be resolved.

#### ***Pre-Annexation Agreement -- Airport Site -- Rifle***

Ed mentioned that Don and he had met with all those involved last week and used the outline format that was discussed with the Board. The result in terms of the cost for the 42 acres brings it to \$1,040,000. This includes \$550,000 for the sewer line; \$230,000 for the water line; \$110,000 for our share of the water tank; and \$150,000 in prepaid tap fees which we can use on that 42 acres or on the Airport as well.

In addition they also agreed to annexation after construction of the first facility; release of the reverter when the first major facility is constructed on the new site; agreement to no specific requirements for improvement of our part of the road; and cited that the County's focus would be on the road to Mamm Creek where we have to deal with improvements to the Airport as well.

The City of Rifle will continue to be responsible for the extension of the sewer line as was previously agreed. The County will place the money in escrow as we discussed before. The other key point is that they will prepare the agreement so that should we opt to place the jail on that facility, it would account for the prior agreements that were reached as well. The commitment was to review with City Council at their next meeting.

#### ***Strategic Planning***

The electives and department heads met on Friday to finalize the objectives and identify the improvement projects which will be commissioned under each objective under the strategic plan. Ed said his task was to develop those improvement projects, present them to staff on Thursday, getting them finalized and then hopefully presented to the Board within a few weeks. Commissioner Stowe has been very involved in this planning exercise.

#### ***RFP for Airport Engineering***

Ed said they are very close in issuing the RFP for Airport Engineering -- the final form should be out next week.

#### ***FAA Conference***

Ed Green and Carolyn Dalghren will be attending an FAA Conference this week and will provide feedback next week.

#### ***Executive Session -- Kelley Gardner Claim***

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to go into an Executive Session; carried.

Ed Green was asked to remain for the meeting.

#### **AIRPORT MANAGER - KEN MAENPA**

Ken Maenpa formerly from Centennial Airport was hired as the Airport Manager, a newly created position for the Rifle Facility.

#### **CONSENT AGENDA**

- SIGN FIRST AMENDED PEACH VALLEY ORCHARD SUBDIVISION PLAT**
- SIGN SIMON SUBDIVISION EXEMPTION PLAT**
- SIGN AMENDED SIMON SUBDIVISION EXEMPTION PLAT**

At the request of the public and a letter received from an adjacent landowner, the First Amended Peach Valley Orchard Subdivision Plat, Sign the Simon Subdivision Exemption Plat and Sign the Amended Simon Subdivision Exemption Plat were assigned to the regular agenda for April 19.

David Hicks and Dee Mobley were present.

David Hicks stated he was planning to purchase the property.

Dee Mobley, adjacent property to the Simon Subdivision, stated that the property is in Peach Valley Orchard.

Chairman Martin explained that the Board chose to remove it from the consent agenda and move it so the public can have input as well as Mr. Hicks.

A motion to continue this consent agenda item and reschedule it for Monday, April 19, 1999 was made in a motion by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second; carried.

**- APPROVE BILLS**

**- SIGN EDGINGTON SUBDIVISION EXEMPTION FINAL PLAT**

**- SIGN VAN HOOSE SUBDIVISION FINAL PLAT**

A motion was made to approve the claims against Garfield County as submitted; authorize the Chair to sign the Edington Subdivision Exemption Final Plat and the Van Hoose Subdivision Final Plat; carried.

**- AWARD 1999 CULVERT BID**

Mike McBreen submitted two bids for the 96" Culvert Pipe.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to award the contract to Adams Culvert Company for a total of \$8385.66; carried.

**- AWARD TELEPHONE/VOICE MAIL BID FOR TAUGHENBAUGH BUILDING SOCIAL SERVICES**

Colette Barksdale presented the bid package for the approval of the Commissioners.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve the notice of award of the telephone and voice mail system for \$17,076 for Social Services at the Taughenbaugh Building; carried.

***Memo of Understanding - BLM - Airport Use***

A motion was made to authorize the Chair to sign the MOU concerning the use of the Garfield County Regional Airport Facilities for Fire Protection Purposes. Chairman Martin stepped down as Chair to second the motion; carried.

***Referrals***

John Barbee presented the following items to be decided if the Board will hear or if they want to refer them to the Planning Commission: Wiegner, Public Service Company, Johnson and Hienig.

***Wiegner - Special Use Permit - Guest House***

The Board will hear and the SUP will be set on the Agenda.

***Public Service - Stillwater Interconnect Line***

The Board will hear and the discussion will be set on the Agenda.

***Johnson and Hienig - Accessory Dwelling Requests***

The Board will hear these as well.

***Planning Item Memos***

The following items were presented to the Commissioners:

Mountain Top Management CUP and Morrisiana Mesa Public Comments.

***Animal Shelter***

Mark Bean and Cindy Crandell from the Colorado Animal Shelter were present.

Cindy submitted a request from the Colorado Animal Shelter asking for a waiver of building permit fees.

Cindy mentioned that she has already received \$50,000 from the County.

An offer was made that the County will donate the fees and inspection service; asked that a number to be presented; and would anticipate that this number could be credited back at a later date as an in-kind service to Garfield County should we have animals that we have to be placed in the shelter.

Cindy Crandell mentioned that she would need to discuss this with her Board. Cindy mentioned if they could spread it out and asked if their Board could determine how it was paid back. Commissioner McCown mentioned that the fees paid for the building permit fees and inspections could be put in a letter as to how it would be paid back. He added that he would not expect it all at once but would like perhaps a reduction in fees to be considered.

#### ***Closing out Janicek Funds***

Ed mentioned they are closing this out and any donations need to be paid into the account.

#### **PUBLIC HEARING: REQUEST FOR PRESHANA FARMS PLANNED UNIT DEVELOPMENT MODIFICATION TO ALLOW PETITIONER TO DEVELOP RESIDENTIAL SUBDIVISION WITH UP TO 54 SINGLE FAMILY DWELLING IN CONJUNCTION WITH EXISTING FACILITIES. LOCATED APPROXIMATELY 3 MILES EAST OF CARBONDALE NEAR THE INTERSECTION OF STATE HIGHWAY 82 AND CR 100. APPLICANT: LAND DESIGN PARTNERSHIP AND PRESHANA FARMS**

Don DeFord, Mark Bean and Ron Liston were present.

Don DeFord determined that adequate notification and publication was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark Bean presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; and Exhibit C - Staff Report and Attachments.

Chairman Martin accepted Exhibits A - C.

Mark Bean presented that Preshana Farms is requesting a PUD modification to allow them to develop a residential subdivision with up to 54 single family dwellings, in conjunction with the existing equestrian facilities, approximately three miles east of Carbondale near the intersection of State Highway 82 and CR 100.

Mark stated the requested action is DENIAL of the requested continuance of this action with revocation of existing PUD approvals. The issue on the sewer is all that can be reviewed. The Colorado State Department of Health and Environment has approved the site application -- the plans and specifications to them as a part of the site application. The State is still taking the position at this point that they want the consolidation of all interested parties into one system -- The Ranch at Roaring Fork, St. Finnbarr, Pershanna and other properties with Mid Valley Sanitation District application. There is no answer from the Ranch at Roaring Fork in their ability to service Pershanna Farms because they technically do have an approved site application even though it's been reviewed.

Ron Liston referenced a letter dated December 30, 1998 clarifying the brief history and the original request for the extension. The PUD was approved 2/9/98 and they were given 12 months to receive a contract for sewer service; then 6 months later to proceed with a preliminary plan. The project has proceeded to procure this agreement on the site permit with the Ranch at Roaring Fork and then more questions were raised and an effort was made with Mid Valley Metro District to achieve a regionalization as the State wished. Consequently, Pershanna has worked very diligently with Mid Valley Service Plan Amendment before the County at this time. This then is the background for the request for extension. Ron stated he feels certain there will be sewer availability in one way or another in that area.

Kevin Patrick, who has worked closely with the District and gave an update on sewer service availability. Kevin said he works with Mr. Weinberg who has worked diligently to secure waste water service from Mid Valley Metropolitan District. This District does have a pending service plan amendment pending before the County. Their perceptions is that it makes sense to have a regionalized sewer district. They are pursuing all avenues at the same time. He commented that denial for an amended service plan for Mid Valley still leaves them with the option to go to Ranch at Roaring Fork or extra territorial service by the District itself. They are pursuing both ends at the same time. The way that the Water Quality Control Act works is that you're not put in a position of denial -- rather service by one or the other entity and that is the purpose of the site application as a planning tool. With the pre-inclusion agreement and the petition for inclusion that they should be able to secure an approval by the County, if all the questions are answered and by the Water Quality Control Division within 6 months or less. If for any reason this does not occur, they will assist in The Ranch at Roaring Fork in their process. He stressed that this is a public utility issue and one or the other site applications will be granted -- it's just a matter of which one will become the provider



for this area. He requested the County support the efforts of providing a regional waste water treatment as opposed to individual systems in this area and grant an extension.

Herb Cline, Attorney and represents Mr. Weinberg said the focus ought to be on the equitable reasons why they should be granted an extension. They have lost 4 - 5 months due to the Ranch at Roaring Ford inability to agree. Mid-Valley has considered their petition informally but it needs to be heard formally. Today they are asking for consideration and a fair shot at fulfilling the County's requirements.

Mark Bean said comments were made to the attorney because they were accused of not giving the last Service Plan the opportunity to respond, and Mark publicly disagree with the statements made. Decisions are being made on land use in the County -- today the Board's should be based on sewer issues today and previous decisions only.

Don DeFord advised the Board as to interpretations of the code that the Board should have. What is being requested at this point is a modification to the existing PUD. There was a condition of approval that the provision for sewer service be completed within one year and that has been appropriately extended so there has been one modification already. They have requested that this be done again and it was submitted in a timely fashion. They are within the perimeters of the Board's PUD approval but they are asking to modify it so they can stay in compliance. If the Board does not approve a modification or if they go beyond their approved time period, then this Board can consider revocation of the PUD under a separate section of the code.

Public Comment:

Paul Taddune, Attorney representing Henry and Lana Trettin requested the Board give as much consideration to this request as possible and recognize that substantial and significant efforts that have been made to comply with the condition and let the Board know there would be quite a bit of hardship if the Board takes the position that what has happened so far does not meet the requirements and revoke the application.

Martha Ginsmore, an owner of property near Pershanna -- she feels with all the development in the area that the Board should consider very carefully what is approved. The State has been asked to approve the Ranch's plan which they have not done and have left then hanging. The Ranch should not be blamed for all the confusion of sewers. Asking the Ranch to do all of Pershanna and St. Finnbar and another development of over 500 houses is a bit much and that should be considered.

Mark clarified that the Ranch at Roaring Fork application is strictly just for this project and St. Finnbar. Commissioner McCown asked for clarification, under this modification is the Board only approving the extension or are they also changing the proposed density by approving the modification?

Mark said approving the PUD as originally approved by this Board if they grant the extension.

A motion was made to close the Public Hearing by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second; carried.

Chairman Martin favors a regionalized but mentioned the County is not getting cooperation from the State in certain areas and it is mainly due to the size of the treatment facilities, the location, and the cost of doing such.

Mark - Agrees that at this point there is an uncertainty as to where and how sewage will be treated in this portion of the valley. The Commissioners make decisions on water plans -- these are not the States. The State is encouraging a consolidation of a larger area.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to create the modification and extent the date to October 4th.

Don DeFord clarified that they are just modifying the condition and continuing it for 6 months did not need a date or time certain. They would need to come in by October 4th and request another modification or they will be in violation.

Vote - McCown - aye; Martin - aye; Stowe - absent.

Chairman Martin said that this needs to either happen or go away. In October Chairman Martin said he will vote no on anymore continuances.

**PUBLIC HEARING: REQUEST FOR SPECIAL USE PERMIT TO ALLOW AN ACCESSORY DWELLING UNIT ON THE PROPERTY LOCATED 1 MILE NORTH OF HWY. 82 AND 2 1/2 MILES SOUTHEAST OF EL JEBEL ON HARMONY LANE, LOT A OF THE GLENN SUBDIVISION EXEMPTION. APPLICANT: TRM CORPORATION OF FLORIDA**

Mark Hamilton for TRM Corporation, Don DeFord and John Barbee were present.

Don determined that adequate notification and publication was in order and advised they were entitled to proceed.

Chairman Martin swore in the speakers.

Exhibit A - Green and White receipts; Exhibit B - Publication in the Newspaper; and Exhibit C - Staff report and (get from the G on main computer.

Exhibit D - application for well permit was submitted.

Mark Hamilton mentioned the applicant has an interest in a well.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to close the Public Hearing; carried.

Recommendation:

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 Special Use Permit shall be issued when all conditions are met, and shall expire 180 days after issuance unless the operation has begun. Extensions can be granted by the Board of County Commissioners.

The applicant shall obtain approval and periodic inspection by the Rifle Fire Protection District, for compliance with any applicable regulation regarding the storage of combustible material.

The applicant shall be limited to a commercial enterprise which is consistent with the definition of Storage as defined in the Garfield County Zoning Resolution of 1978, as amended.

The applicant shall sign an agreement with Garfield County granting access to the subject property for inspection to ensure conformance with the conditions of the special use permits.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve the request for the SUP to allow an accessory dwelling unit on the with the staff's recommendations 1 - 5 and adding no. 6 "That the applicant provide proof of adequate emergency water for the purposes of fire suppression to the satisfaction of the Rifle Fire Protection District, and the County; carried.

**PUBLIC HEARING: REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW PLACEMENT OF A CHURCH IN THE RESOURCE LANDS (R/L) ZONE DISTRICT, LOCATED 2 MILES WEST OF RIFLE ON HWY. 6 AND 24, LOT 1, LACEY PARK SUBDIVISION. APPLICANT: ROCKY MOUNTAIN BAPTIST CHURCH**

Don DeFord and Mark Valcamp on behalf of the Church were present.

Don DeFord determined that adequate notification and publication was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John Barbee presented the following Exhibits for the record: Exhibit A - Green and white returned receipts for certified mail; Exhibit B - Publication in newspaper; and Exhibit C - Staff report and attachments.

Chairman Martin accepted Exhibits A - C into the record.

John Barbee stated that the church was calling for 260 seats in the building. The requested action is APPROVAL of the action with the 4 recommended conditions of staff as identified below:

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

The Conditional Use Permit shall be issued only by approval of the Board of County Commissioners, when all conditions are met, and shall expire 180 days after issuance unless the operation has begun. Extensions can be granted by the Board of County Commissioners.

The applicant shall be limited to the hours of operation, number of trips and current level of operation as indicated in the application. Any expansion of the use shall require Board approval.

That the applicant, and any future property owners of said property agree to, as a condition of future continued approval of the conditional use permit, that if, in the future event that the property described by this conditional use permit, has the reasonable ability to connect with any municipal or centralized water and/or sewer system, the subject property owners shall be required to connect to said service and remove any existing well head(s) and individual sewage disposal systems(s) which may be located on said property, within one year of the effective date of service availability."

Mark Velcamp addressed the Board.

Chairman Martin asked if a water storage system would be on site.

Mark Velcamp mentioned that water was a concern during the time of approval of this subdivision. The water has been tested and after passing through the RO system, there was no concern.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve the CUP to allow for a Church with staff's 4 recommendation and a letter to be obtain from the Fire Department; carried.

### ***Schedule Personnel Meeting***

April 23, 1999 - 9:00 A.M.

An executive meeting and full committee afterwards.

### **PUBLIC HEARING: REQUEST FOR SPECIAL USE PERMIT TO ALLOW EXPANSION OF A SALVAGE YARD AS A NONCONFORMING USE FOR THE PROPERTY LOCATED AT 27926 HWY 6 AND 24, 1.5 MILES EAST OF RIFLE. APPLICANT: KEN SPANGLER**

Don DeFord, Jim Larson, Ken Spangler and John Schenk were present.

Don DeFord determined that adequate notification and publication was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John Barbee presented the following Exhibits for the record: Exhibit A - Green and White Returned Receipts; Exhibit B - Publication in the newspaper; and Exhibit C - Staff Report and all attachments.

Jim Larson submitted petitions - Exhibit D

Chairman Martin accepted Exhibits A - C and Exhibit D into the record.

Exhibit D is a listing of 10 pages of 100 signatures supporting the use of this salvage yard.

John Barbee submitted this is a request for expansion of an existing salvage yard operations.

The activity preceded the zoning. This is a nine acre parcel.

The requested action is APPROVAL of the action with the 15 recommended conditions of staff as identified below:

- That all representations of the applicant, either within the application or stated at the meeting before the Planning Commission, shall be considered conditions of approval.

- The Special Use Permit shall be issued only by approval of the Board of County Commissioners, when all conditions are met, and shall expire 180 days after issuance unless the operation has begun.

- Extensions can be granted by the Board of County Commissioners.

- The applicant shall obtain approval and periodic inspection by the Rifle Fire Protection District, for compliance with any applicable regulation regarding the storage of combustible material.

- That the applicant provide proof of adequate emergency water for the purposes of fire suppression to the satisfaction of the Rifle Fire Protection District, and the County.

- That the applicant remain in compliance with any state or federally mandated requirements regarding the storage, discharge, or release of known toxic or nontoxic materials which may be associated with the use.

- The applicant shall provide to the County a Plan for Site Rehabilitation.

- The applicant shall enclose the entire operation with a single fence of uniform height, material and color which shall provide a completely opaque appearance which shall effectively block operations within the salvage yard from adjoining land uses.

- The applicant shall provide to the County the Annual Report and DMR form provided annually to the State Water Quality Control Division.

Jim Larson spoke favorably for the applicant. He said a useful public service was being provided by Spangler's Auto Salvage. He is signed up to participate in the local cleanups. For example in the Town of Silt, Spangler's Auto Salvage does a lot of private party cleanups on private property. The recycling business provides jobs and consumer services/parts and environmental conservation. With regard to the staff's report and the comment recently made, although it is mentioned that the recommendation is of that in the Planning Commission, he said he would take issue with just one or two portions of the three page introduction to Exhibit C specifically numbers, page 3 -- Item 4 & 8 talked about providing certain information to the County. Mr. Larson said they have no problem in doing this and think it is redundant and duplicative as some of the information is provided to other governmental districts and indeed the words "and to the County" were not recommendations of the Planning Commission but were deleted at the

hearing in January. With regard to item no. 7 it also is clear from reading the Planning Commission minutes of the meeting where they approved by a vote of 5 - 1 the recommended special use permit that item no. 7 is something that came from the staff report and is not part of the Planning Commission recommendation. From a motion made by the Planning Commission as I remember it and according to the Minutes I've seen is that, fencing begun on the south which already exists that it be done on the east and it already exists there, that no fencing be done around the compound where the entrance and the buildings are on-site, that fencing be done on the west and that's something that's to be done, but that no fencing be required on the north because there is already a fence there -- as has been mentioned by staff. But that in lieu of further fencing on the north, if Cottonwood Springs wished to do so and they installed the fence that is there now, in the Cottonwood Springs Mobile Home Park could do that. Additionally, the recommendation of the Planning Commission which they would adopt was that tree planting and other forms of landscaping occur on the north to the extent that it would be consistent with the wetlands area that lies to the northwest on the property and also they would submit to the extent that such tree planting and continued maintenance of the irrigation ditch which lies relatively along the boundary between Spangler's Auto Salvage and the Cottonwood Trailer Park. These are the main things he wanted to point out with regard to the staff's recommendations. He added that it's important to bear in mind that the salvage yard dates back from the 1940's and preexisted before the zoning code which came into effect in 1979 and became an existing nonconforming use within what was then in 1979 and 1980 the A/I District that Mr. Spangler acquired the salvage yard in 1987 and has operated it since that time. Along with several other properties the salvage yard was rezoned in April of 1992 from A/I to C/G and the primary purpose of that rezoning at that time was to accommodate expansion. This is taken directly from the Minutes of the approval of the zoning change. The expansion essentially began in 1995 when Mr. Spangler lost a area south of the existing salvage yard that he was using for crushing at that time. That necessitated some expansion to the west. He did so with the areas that were wetlands subject to a permit that he acquired -- that permit has now expired so for the present time expansion has been accomplished and is not anticipated. The application requests that and this is within the input of the staff and talking with the Planning Department before, that this application encompass the entire 9 acre tract so that we could accomplish existing expansion and future expansion subject to the County's Zoning Code with one application for that process -- namely this one here.

John Schenk representing Cottonwoods Mobile Home Park, which is immediately adjacent to the salvage yard in question. He submitted an aerial photograph of the properties and their adjacency -- Exhibit E. Chairman Martin entered Exhibit E into the record.

John Schenk continued saying Cottonwood Mobile Home Park has been in place since or its predecessors for some 30 or 40 years. It began in the 50's and the salvage yard appeared along the same time. This mobile home park received a SUP in 1978 for the expansion of the park to the size and the shape as seen presently. It went through the zoning process to obtain that permit. At that time you can see where the size of the salvage yard -- in 1982 from an aerial photograph from BLM -- and since that time the salvage yard has expanded to the south and west to a point which is about equivalent to the west line of a wastewater lagoon system. At the time that it was built there (referenced the original location where the corrugated sheet metal fencing is in place) and since that point it has moved to the west. We also have and it is part of the application, the earlier process where they have a set of petitions signed by folks who live in Cottonwood Springs and photographs -- (included in the packet submitted to the Commissioners). John said he wanted to make it clear that we acquired it, the salvage yard was there, we do not wish to see it disappear and is not their intentions to fight the salvage yard in that sense. They would like to see the salvage yard and that operation live within its constraints like they have to live within their constraints. We've made a lot of steps that are positive towards creating the livability of the mobile home park and their perception and comments are positive in the sense of what has been done from our standpoint to include the living circumstances for those folks there. It's been responded to also by the residents -- it's a two-way street -- we've done our part -- they've done their part. There's a lot of new mobile homes within the park and in fact they have perhaps the youngest per capita age for mobile home unit on a space in the County. John Schenk's said there is a lot of very hard working and we think neat people working there and living there and our purpose is to do one thing and that is to increase the visual circumstances for the folks living in the Cottonwood Park. He extracted from the regulations of the County's SUP for the County's Code that salvage yard is in the C/G Zone District is a SUP and there are a few places where he thinks it is important to note that the Regulations give the Commissioners the authority to require a design that minimizes the impact on adjacent uses through the use of screen fences or landscape materials in 5.03.(3) -- one of the

requirements under the Industrial Performance Standards in a Salvage Yard is an industrial zone/industrial use that all lot or storage materials may be required to be enclosed by fence, landscape or wall adequate to conceal such facilities from adjacent property and finally under 5.03.10 -- a Special Use permitted only with height requirements the Board may impose include screen fences, landscape or other restriction provisions it deems necessary to protect the health, welfare and safety of the population use as a neighborhood. The whole thing boils down to one thing for us -- and that is adequate screening of the activity. The activity is the noise from time to time is significant from the crushing but it is something that we haven't had substantial complaints -- the visual is the only thing we've had substantial complaints from. That occurs from two reasons -- one is there are cars stacked way above the fence line as it exists and other times there's been no fencing at all. Cottonwood Springs, to protect itself, installed a fence but your special use district requirements don't tell the adjoining landowners they have to fence out the problem -- it's not like a cattle business. The user, the beneficiary of that special use is obliged to screen that operation from adjoining land uses. This is what we are asking here. I heard it different from what Jim did as far what the Planning Commission approved. I think they required in their recommendation to the Commissioners that they fence be around the entire perimeter on the applicant's property not on Cottonwood Springs' property and that it be installed within I believe 6 months. That was the motion that I wrote.

John Barbee corrected by saying 12 months.

John Schenck and I believe the motion was made and that is what was passed. We would like to see a fence of uniform height that would be sufficient to obscure the activity from the adjacent land of a material that I would hope would be consistent. Now Mr. Spangler suggested earlier that it would be wood fence and I assume that is still the plan, but we certainly not prefer to have some uniform sort of fence of uniform material that would be reasonably consistent with the neighborhood and the color be consistent obviously that would block the entire operations and within the reasonable period of time. That's what we would like to see happen here and would ask the Commissioner's consideration of that hopefully simple request which falls within the requirements of your special use permit application. John Schenck stated that the Planning Commissioner McCown asked John for a clarification on the ditch that was asked apparently -- the notes from P & Z, this would be on the Cactus Valley Ditch -- who does this ditch actually lie on -- whose deeded property is that on?

John Schenck said there is some dispute about whose side it's on and I think it's generally where the boundary line is and we both have parts and pieces of it so that...

Commissioner McCown continued that if a fence was constructed on the property line, the north property line, it would impede access to the ditch.

John said it would have to be on the top bank. The practical answer there is that the top of the bank is where any fence should be installed on that north side and just like we did to try and screen out the problem when there was no screen at all, we installed it on the top side of our property, it's a screen fence but not as a boundary fence.

Commissioner McCown asked if this then is where the fence is now -- on Cottonwood's side -- on the north side of the ditch.

John said yes. And then the line is a straight line or has a couple of cuts in it but the ditch meanders and there is an ongoing -- we just did a quiet title action to -- it's still pending and we need to sit down with folks and see where this fence should be. Practically speaking at any -- any fence should be on the top of the bank.

Commissioner McCown -- Jim let's talk about landscaping. What do you have in mind?

Jim deferred to Mr. Spangler saying he already has work in progress.

Mr. Spangler said their intentions are as he understood the Planning Commissioner was to plant things along the ditch bank which he has tried to start already by planting cottonwood trees. He was spacing them 20 feet apart.

Commissioner McCown mentioned this would be tough on the ditch and he feared they would lose the ditch if that is what takes place. He asked if this was going to continue on down to the intersection to the entrance to Cottonwood as it proceeds south to that property line.

Mr. Spangler said the way he understood the Planning Commission is would only go as far as the filled area -- they wanted to leave the wetlands as open space across the two acres on the west.

Commissioner McCown clarified that this was his property too.

Mr. Spangler said his intentions at this time would be to go from across the west end with a 8 ft. board fence, remove the tin fence on the south side and replace it with 8 ft. boards and plant trees along the ditch line on the north.

Jim Larson said they would request as well would be -- Mr. Spangler has already undertaken the fence improvement -- he's put a fence all along the east side as well as he has extended it out along the southerly boundary toward the west and due to short building seasons and time constraints and financial constraints, I think they talked about 12 months was what he found in the last apparent consistent motion of the Planning Commission and Jim said he would just ask that this be extended until late Fall or early Winter of 2000 to give Mr. Spangler two building seasons instead of one with regard to the fencing. And the planting as well. Chairman Martin said he could the logic in that but he would think they would want to concentrate maybe on the north side more than the south side getting that done sooner than later -- I think that's what the problem is between the Mobile Home Park and the business.

Commissioner McCown mentioned this was tree planting and they won't be grown in two years no matter when you plant them.

Chairman Martin said he was talking about the fence as it might be cheaper and faster to get done to handle the problem a lot faster that way.

Commissioner McCown inquired if the two parties that are on that tail ditch actually sat down and discussed what trees are going to do? If you plant cottonwood trees on 20 foot centers along that ditch, you will lose your ditch. You won't be able to clean it, or you'll kill your trees -- then who's going to be responsible for planting the trees?

Chairman Martin mentioned he thought there was a requirement to be 12 - 15 feet away from the ditch when planting trees in order to be able to clean the ditch.

Mr. Spangler said according to the ditch company they don't own the ditch -- we do.

Commissioner made a motion and Commissioner seconded to close the public hearing; carried.

Tom Kirkland from Cottonwood Park - part of our concern from the people who live in the park, looking to the south - our fence is a 6 foot fence and you can see over the top. The land really doesn't slope very far to this south -- it's pretty much level. The slope doesn't fall away to the point to where it disappears and we've have planted Cottonwood's and Willows but we've had a real beaver problem in the ditch. A fence in that area is not very appropriate -- I think it'll disappear as soon as it's big enough to eat. Ditch wise there's been a big problem -- the ditch people have basically said it's too bad -- nobody uses the water but you have to take care of it yourself. So Cottonwood Springs and Mr. Spangler for his portion have actually spent quite a bit of money on the ditch to maintain the water flow and get it to an out-of-area. The two areas that are most visible are looking south and driving out the main entrance road. He didn't feel an 8 ft. fence was tall enough. Need something so you can't see over it and this is our concern.

John Barbee said there was no height restriction in this zoning under C/G designations.

Jim Larson mentioned he wasn't sure it would be possible to build a fence that would high enough to visually block cars that are stacked on top of each other at a salvage yard. This is part of the problem as well. The Planning Commission recognized that. Other salvage yards in the area regulated or free lancing at this point in the County do not have much fencing if any at all so we're trying to mitigate as much as we practically can. We don't think that a fence on the north is appropriate to require Mr. Spangler to put an additional one there when there's one there already. I think that the landscaping was more of an compromise position on the Planning Commission and it was not a proposal of Mr. Spangler so he's not crazy about trees on the north either I believe.

Commissioner McCown asked then if Mr. Spangler was just going to fence where the existing fill is now? Answer - yes. Mr. Spangler said he recommended fencing the whole 9 acres and the Planning Commission plus the mobile home park wanted to leave the other two acres to be open space and he said he had no problem with that. Wetlands is not a pretty site but....

Commissioner McCown said he made the comment before and will stick by it, that most of the wetlands and this portion in Colorado is done by poor irrigation practices anyway. We're in the desert climate.

Mr. Spangler commented that his is man made wetlands.

Chairman Martin determined there was no other input.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve the request for a Special Use Permit expansion of an existing salvage yard operation with the 8 recommendations made by the staff adding No. 9 which would read "extending the date of completion of the fence 18 months from today's date -- October 5, 2000; carried.

**PUBLIC HEARING: REQUEST FOR A SPECIAL USE PERMIT TO ALLOW STORAGE OF RECREATIONAL VEHICLES IN THE A/R/RD ZONE DISTRICT LOCATED AT 3409 CR 315, MANN CREEK ROAD, 3/4 MILES SOUTH OF I-70. APPLICANT: PATRICIA GLEASON**

John Barbee, Don DeFord, Tim Beck and Patricia Gleason were present.

Don DeFord determined that adequate notification and publication was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John Barbee presented the following Exhibits for the record: Exhibit A - Green and White Returned Receipts; Exhibit B - Publication in the Newspaper; Exhibit C - Staff report; Exhibit D - sheet change on items from 11 to 10.

Exhibit E - letter from Kennedy Oscar, Exhibit F - letter of support from Pat Gleason submitted to adjacent property owners; Exhibit G - letter to Marvel Covey; and Exhibit H - a letter from the Fire Protection District.

Chairman Martin accepted Exhibits A - H into the record.

John presented the information in the staff report.

The requested action was for APPROVAL with the 11 recommended conditions of staff as identified below: omitting the permit go with the land - no. 6.

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

The Special Use Permit shall be issued only by approval of the Board of County Commissioners, when all conditions are met, and shall expire 180 days after issuance unless the operation has begun. Extensions can be granted by the Board of County Commissioners.

The applicant shall obtain approval and periodic inspection by the Rifle Fire Protection District, for compliance with any applicable regulation regarding the storage of combustible material.

The applicant shall be limited to a commercial enterprise which is consistent with the definition of Storage as defined in the Garfield County Zoning Resolution of 1978, as amended.

The applicant shall sign an agreement with Garfield County granting access to the subject property for inspection to ensure conformance with the conditions of the special use permits.

That the permits issued are specific to the use described in the application and are limited to use by the applicant. The permits shall be deemed invalid if the property changes ownership or if the use is substantially changed.

That the applicant provide proof of adequate emergency water for the purposes of fire suppression to the satisfaction of the Rifle Fire Protection District, and the County.

That the applicant is limited to seven (7) parking areas. The number of units for each area shall be limited to no more than three (3).

That the parking and access ways on site be surfaced in such a manner as to prevent negative off site impacts to adjoining property owners or to County roads.

Any expansion of the use as indicated in the application shall only be undertaken following approval by the Board of County Commissioners.

The applicant shall obtain a building permit for the screening fence. The fence shall be of uniform size, shape and color to the satisfaction of the Board of County Commissioners.

Don Marshall of Marshall Construction - said that Patricia had researched this as much as possible and stated that from the plans he's seen she shows a lot of integrity.

Commissioner McCown - security question - a screening fence and a locked gate.

Tim said it was an isolated area and they didn't feel it was a high risk.

A motion was made by Commissioner McCown and seconded by Commissioner to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioners to approve the SUP to allow small recreational vehicles with recommendations 1-10 not to exceed 21 in No. 7; carried.

**PUBLIC MEETING: A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW COMMERCIAL/RECREATIONAL FACILITY/PARK AS IDENTIFIED IN THE AGRICULTURAL INDUSTRIAL ZONE DISTRICT. APPLICANT: JMB PROPERTIES, INC.**

Don DeFord and John Barbee were present.

Don DeFord determined that adequate notification and publication was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John Barbee presented the following Exhibits for the record: Exhibit A - 4-4059 Green and White Returned Receipts; Exhibit B - Publication in the newspaper; and Exhibit C - Staff Report and Attachments.

Chairman Martin accepted Exhibits A - C into the record.

John Barbee presented that this property was subject to the lease is the only portion of the property subject to the Special Use Permit request. The applicant is requesting a Zone District Text amendment to include "Commercial/Recreational/Facility/Park" in the Agricultural/Industrial (A/I) Zone District as a Special Use. Following approval of the Text Amendment, A Special Use Permit is requested. The requested zone district text amendment would affect all properties in Garfield County currently zoned A/I. The requested action is for approval of the action with the 8 recommended conditions of staff as identified below:

- 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 future review.
- That the applicant provide an access, parking and layout plan to the site indicating emergency and van routes, parking areas, storage areas and pedestrian circulation areas.
- That the applicant improve Traver and Transfer Trail as defined in items #1-7 as indicated in the applications pages 12-13.
- That the applicant be limited to a maximum of 10 externally generated (service) vehicle trips per day, on average during any weekly period.
- That the applicant be limited to a maximum of 30 van trips per day, on average during any weekly period.
- No public vehicular access to the site beyond access via van trips from the authorized staging area as defined in the final resolution for approval of the special use shall be permitted to the site.
- That the use be limited to a total of one hundred (100) persons using on-site facilities at any given point during permitted hours of operation. No persons shall be allowed to use facilities beyond general maintenance and routine use in association with the cave operation.
- That the use be limited to daylight to dusk hours of operation and that no regular night activities be approved, except traffic which may be generated by a special event. All special events shall be limited to public vehicular access by van only.
- That an emergency preparedness plan be provided to the County.
- That the use be limited for operation to those periods of the year such that the primary access as defined in the final resolution for approval of the special use remains free and clear of any potential safety hazard as may be created by the presence of standing snow on the roadway. Standing snow is defined as any amount of snow which remains in the roadway regardless of road maintenance.
- Control of noxious weeds shall be the responsibility of the lessee for areas of the property affected by the described operation.
- If any area affected by the application are to be floodlit, the applicant shall use box cutoff designs which direct lighting inward to the property.
- The applicant shall follow the Best Management Practices, as indicated by the Colorado Forest Stewardship Guidelines road building activities.
- The applicant shall submit an amended application at time any further expansion of commercial, retail or operational activities beyond those described in application.
- The applicant shall provide a contract with the Hotel Colorado or some other entity, government or business with whom an adequate parking/van staging area can be accommodated. No operations shall begin until such plan has been reviewed and approved by the Board of County Commissioners. The minimum number of off street parking spaces for the staging areas shall be determined at a rate consistent with the off street parking requirements of the City of Glenwood Springs.

Dave Michaelson was present and stated that Transfer Trail was the major problem was the road. He submitted some awesome photographs and said they were comfortable with the recommendations made by the staff. They would also address the City's concern about parking at the Hotel Colorado.

Commissioner McCown made a motion and Chair Martin stepped down as Chair to second to approve a Zone District Text amendment to include "Commercial/Recreational/Facility/Park" as identified for JMB



Properties with the 15 recommendations listed in the staff report in the Agricultural/Industrial (A/I) Zone District as a Special Use; carried.

***Answer Affordable Housing -- Executive Session - Personnel***

Jim Leuthueser stated he needed to discuss a legal issue with the Board in Executive Session.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to go into Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to come out of Executive Session; carried.

***Study of Affordable Housing Data Gathering***

Direction to staff on the study-- Chairman Martin mentioned it would be necessary to find someone who would do the study on Affordable Housing and Data Gathering and coordinate with our staff with CSU to make sure the Affordable Housing Regulations are advertised properly.

Commissioner McCown made a motion and seconded by Chairman Martin who stepped down as Chair to barring any problem after Phyllis' input on Ken Maenpa for Airport Manager an offer of \$47,500 plus \$2500 moving expenses and will be expected to work May 3, 1999; carried.

***RFRHA***

Don DeFord stated the RFRHA access plan -- second routing -- was submitted for review. There are some drastic expenditures that were called to the Board's attention.

Chairman Martin said that Bob Szrot has looked at it and has some engineering concerns that he would like to discuss with Ed and then Don and then back to the Board.

***Recess***

Commissioner McCown made a motion and seconded by Chairman Martin who stepped down as Chair to recess until Tuesday, April 6, 1999 at 7:30 A.M. for the City of Glenwood Springs and 9:00 A.M. for the Continued Meeting of the Board; carried.

**APRIL 6, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The Continued meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, April 6, 1999 with Chairman John Martin and Commissioner Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

Commissioner Stowe was absent due to an emergency in his family.

**REQUEST FOR REVIEW OF A SPECIAL USE PERMIT TO ALLOW FOR THE RE-DEVELOPMENT OF AN EXISTING INDUSTRIAL FACILITY TO PRODUCE SODIUM PRODUCTS FROM SOLUTION MINED NAHCOLITE DELIVERED VIA A 44-MILE LONG PIPELINE TO BE PROCESSED AND FINALLY LOADED AND DELIVERED TO VARIOUS MARKETS VIA BOTH RAIL AND TRUCK TRANSPORT**

Ed Green, John Barbee, Don DeFord, Scott Balcomb, Kurt Neilsen, General Manager of American Soda and Chris Freeman were present.

Don DeFord verified the notification and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John Barbee admitted the following Exhibits: Exhibit A - Garfield County Zoning Regulations of 1978 as amended; Exhibit B - Draft of Environmental Report; Exhibit C - Mine Plan; Exhibit D - Application and all supplemental information; Exhibit E - Staff Report and attached supplemental information; Exhibit F - Proof of Publication; Exhibit G - Green and White Returned Receipts for Certified Mailing; Exhibit H - Letter of support from Jack and Margaret Weirenga and Gary and Sandra Watkins; Exhibit I - Memorandum from King Lloyd estimating the cost of road upgrades on CR 215; and Exhibit J - Drawings - same as the large displays.

Chairman Martin admitted Exhibits A - J into the record.

Action No. 1

This is a request for review of a Special Use Permit to allow for location of a temporary placement of construction and ancillary related facilities including two batch plants for concrete and asphalt for an eighteen (18) month period beginning in May 1999 for the modification and creation of a plant facility to process nahcolite.

John Barbee reviewed the staff report and reserved his time for questions.

Kurt Neilsen, General Manager gave his presentation with a series of slides. There are only two natural deposits -- one in Wyoming, one in Colorado. There is a small deposit in California. This is all natural; very stable business for Colorado. This will be jobs long term for Colorado. This proposal concentrates on the Piceance Creek Basin called the Yankee Gulch Project and Base Leases. There will be 26 well heads covered by a hut and will last up to two years. These are monitored by computers on a second by second basis.

This is a recovery of a.4 million TPY of Nachcolite to be processed into Soda Ash and Sodium Bicarbonate. The plant operations will be split. Part in Rio Blanco and in Garfield County.

It is essential for them to be on a railroad in order to transport.

Public Comments and answers to the Commissioner's questions and concerns included:

Charley Yates with American Soda - stated that the plant is completed contained -- air quality control is monitored by UNOCAL's meteorological tower that they will be reinstrument and it will be constant.

Hal Copeland with Steigers stated they will have continual emission monitoring prescribed by the State as they are the ones issuing the air permits. There are a number of requirements that must be met for the State.

Charlie Yates explained the different ponds needed at the site and the improvements made since the application was made. The original permits were obtained on what they anticipated the project to look like last year. Since that time, some changes have been made. This was described in detail as to their purpose and process.

Kurt Neilsen responded that the local impact would be an estimated \$7 million a year for both Garfield and Rio Blanco Counties; materials and supplies needed on a daily basis were estimated at approximately \$2

million per year; the tax impacts of sales was included within the staff report and are part of the file. He added that unless they go over 200 workers they wouldn't need to supply. As to staff according to the sites, Kurt said there would be 1/3 at the upper site and 2/3 at the lower site. There are employees that live in Meeker that work in Glenwood; employees that live in Parachute and work at the northern site. They fill the jobs with the best available talent no matter where the job. If someone chooses to relocate is up to them.

John Barbee reviewed his staff report and the supplemental material. There are 22 conditions of approval. Since the review of the Planning Commission some items listed in these 22 conditions have been provided. 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 Planning Commission, shall be considered conditions of approval.

As used herein the term "applicant" shall apply to and bind any person, corporation, association or other entity of whatever nature which assumes ownership, responsibility or control over the proposed facility or any part thereof.

That the operation of the facility be done in accordance with any federal, state or local regulations governing the operation of this type of facility.

That the applicant provide the following plan additions one week prior to review by the Board of County Commissioners:

- a. A detailed drainage plan for the site including the 100 year flood way boundary.
- b. A detailed landscaping and weed mitigation plan, highlighting existing areas of noxious weed infestation and a plan for weed management at the site.
- c. A detailed lighting plan showing generally the type, number and location of on site exterior lighting.
- d. A detailed parking lot and internal circulation flow plan identifying automobile and truck traffic circulation, access, egress, loading and parking.
- e. A detailed signage plan outlining attached, detached or off-premise signage.
- f. A detailed transportation study and plan outlining the estimated impacts to County Road 215.
- g. A detailed noise study and plan outlining the estimated impacts to adjoining property owners.
- h. A detailed screening plan outlining the anticipated storage and operations screening or berming as may be required in accordance with the special use permit supplemental regulations.

That the applicant provide a road bond as may be required by the Road and Bridge Department during the 18 month construction period.

American Soda shall provide, at their expense, an independent engineer to be determined by the County for plan check and an independent building inspector also determined by the County.

The applicant shall obtain all necessary building permits as required by Garfield County and shall compensate the County for any and all extraordinary costs associated with the issuance of the special use permit.

Prior to mobilization and/or construction, the applicant shall obtain approval of all proposed crossings of County Roads from the Garfield County Road and Bridge Department including appropriate notification of the public as may be necessary for road closures or other activities as required.

Prior to mobilization and/or construction, the applicant or the applicant's contractor(s) shall obtain overweight vehicle permits from the Garfield County Road and Bridge Department.

The applicant shall obtain all licenses as may be required for vehicles used by the applicant and the applicant's contractor(s) from the Garfield County Clerk and Recorder.

The applicant shall resubmit for re-issuance of a special use permit to allow the industrial use as proposed in the Accelerated Action Plan.

The applicant shall paint all structures in accordance with the application as submitted prior to occupancy. (This was amended to within 6 months) 5-5530

The applicant shall provide to the County an Emergency Preparedness Plan Draft prior to occupancy. Annual updates detailing compliance and readiness shall be provided annually from the date of issuance of the special use permit to the County.

The applicant shall obtain approval and provide to the County all permits listed on Page 32 of the Staff Report within thirty (30) days of the date indicated. Extensions to these deadlines may be granted

at the discretion of the Board of County Commissioners without further public hearing.

Federal: Bureau of Land Management

Mine Plan, Draft EIS 7/10/99

U. S. Army Corp of Engineers 404 Permitting 4/16/99

U. S. Fish and Wildlife Service Endangered Species 3/31/99

U. S. Dept. of Interior

Cultural Resource Com 3/31/99

State: Dept. of Natural Resources 112 Reclamation Permit 3.31/99

Dept. of Public Health

Air Pollution Control Division

Air Pollution Emission Not 3/31/99

Air Quality Construction 3/31/99

Prevention of Significant 3/31/99

Deterioration Review 3/31/99

Air Quality Title V Indefinite

Operating Permit

Dept. of Public Health

Water Quality Control Division

Industrial Stormwater Discharge during Construction 5/31/99 Industrial

Stormwaterdischarge Mining & Processing 5/1/2000

Dept. of Natural Resources Water Resources Divisions

Water Rights as described in Attachment 4-SUP Ap 4/16/99

Dept. of Transportation Access Permits 6/1/99

Public Utilities Commission

Rail/Hwy Crossing 5/31/99

Garfield Ctn Dept of Development SUP & Bld/Permits 4/16/99

Road and Bridge Access and Utility Permit 6/1/99

Upon issuance of the special use permit the following, previously adopted Resolutions approving special use permits as applied to the 1,000 acre parcel described in this application, shall be repealed by a separate action of the Board of County Commissioners:

1. Resolution #81-11

2. Resolution #81-100

3. Resolution #82-186

The applicant shall provide to the County, closure reports for the following Correction Action Plans for remediation as available, one week prior to review by the Board of County Commissioners:

1. Active Basin; Final Clean Closure Plan Report for the Active and Inactive Basins, Parachute Creek Shale Oil Facility (HLA 1966a)

2. Inactive Basin; Final Clean Closure Plan Report for the Active and Inactive Basins, Parachute Creek Shale Oil Facility (HLA, 1966a)

3. Temporary Basin No. 1; Final Clean Closure Plan Report for the Temporary Basin Nos. 1 and 2, Parachute Creek Shale Oil Facility (HLA,

1998b) 4. API Separator; Phase I Closure and Engineering Evaluation Report, Active and Inactive Basins Closure Project (HLA, 1996b)

5. Plant Effluent Lift Station; phase I Closure and Engineering Evaluation Report, active and Inactive Basins Closure Project (HLS, 1996b)

6. Underground Storage Tank - Maintenance Building; Environmental Site Assessment and Underground Storage Tank Closure Report (Chen Northern,

1993)

7. Upgrade Facility - Parachute Creek Shale

Oil Facility (HLA No.416502)

American Soda shall assume all liability and responsibility for the Oily Water Sewer remediation as identified in HLA No. 416502 and make substantial progress of monitoring and remediation.

The applicant shall provide to the County a Site Rehabilitation Plan detailing basin closures and all required remediation to the satisfaction of the Board of County Commissioners prior to occupancy.

The applicant shall meet all requirements of Section 5.08, Fiscal Mitigation Program, of the Garfield County Zoning Resolution of 1978 aa. as may be required during the construction or operation of the facility.

Any substantial expansion of the use as proposed shall require re-issuance of a special use permit.

(John asked the board to identify "substantial expansion for the record".

The applicant shall amend the Parachute/Battlement Mesa Recreation District within one year of the special use permit approval.

*Scott Balcomb, Attorney for American Soda* expanded on Condition No. 21 and suggested not trying to define and let the County do this in the future. If we add to the facilities, it will necessarily coming back in for a building permit and it will trigger the process whereby the County can make an independent determination about what constants "substantial" at that time. If a building permit is not needed to get another 20% out of the building, he suggested the County probably would decide this wouldn't be "substantial."

*Kurk Neilsen* clarified for the record on some numbers he had previously quoted saying by including labor on all the things that could be provided either locally or regionally -- Grand Junction, Rangley areas -- well, plant labor, operating supplies, maintenance, site services, insurances, taxes comes to about \$17 million a year that some local entity could partake in part of that.

*Scott Balcomb* said that the applicant has reviewed the conditions of approval included in these 22 conditions as described today by Mr. Barbee and does accept them.

Public Comment:

*Tom Dodson* - Soda Ash in California - IAC provided a package for consideration. This was included in the packet of information and included: Comments on Environmental Comments -- Comments to consider by the Board. This has created quite a stir in surrounding areas. This is a premature decision and suggested not to rush this decision through the process. The net life of the project needs to be looked at and he suggested that some improvements could be made to the product. The applicant has portrayed as a clean operation - look at the environmental 46 tons of emissions out of the mine - about 99% by best available technology. It is not a close system and a misrepresentation. The BLM received about 10 letters that identified it as a unclean operation. All information is conclusionary. Water was one issue that Tom Dodson highlighted. The local newspapers have identified the opponents; Tom said this was not an asset to this community. Yankee has no entitlements - it can be engineered but at this time the Board of County Commissioners benefits from the critical review including the Environment Protect Act and Division of Wildlife and private individuals. The County need to require American Soda have better controls. He recommended that a full disclosure needs to be done.

Tom's comments on the application process -- a letter dated March 11, in this analysis -- indicated an ownership in the application -- UNOCAL and as a co-applicant only if the following conditions are met. All conditions must be met -- include a letter from UNOCAL that they believe the criteria has been met. In reviewing the UNOCAL application -- at Planning Commission no discussion was mentioned on Special Use Permit for UNOCAL. Are you required to notice the community when a Special Use Permit is revoked? Was this noticed?

Additionally, John Barbee mentioned all of UNOCAL SUP's conditions -- did they have any special issues hanging out there that UNOCAL needs to provides? This should be included in this review. Revoking for one -- UNOCAL -- unless they are assigned there is no way to enforce them. Zoning Resolution - under industrialization 5.03.07 it requires an impact statement must be submitted. Two of these are very important -- transportation and noise issues. He said that a transportation study should be done before the Board makes a decision. 5.03.07.1.D -- Site Rehabilitation and Noise -- these studies are being deferred to the future and should be a part of the Board of County Commissioner's decision today. Tom selected these two violations -- transportation and noise rather than water, adding that the property exposure due to flow hazards, etc. is a big concern.

He referenced 3.2.19 of the Environmental Statement and 5 of 8 of the staff report where the staff indicated up to 30 - 34 trips per day. At the Planning Commission meeting the applicant stated that it is an essential for rail transport - shipments will probably go out 3 times a week. He referred the Board to his letter submitted on 3/11/99 and page 5 of this document -- Item No. 9 -- he gave some quick numbers: Railroad operations are substantially understated -- if 26 cars are moved each day (100 tons cars) x 5 days = 676 tons per year. His point is that we are getting a variety of numbers and the applicant could correct. These numbers should be accurate in order to hold them accountable. This is not in this record and should be before they decide. In Conclusion - the County is being rushed to approve. The Board has insufficient information and lacks an adequate definition and has not fully analyzed. Not enough information and urged the Board to continue this until all the above issues are resolved.

*Gene Park* - represents the Grand Valley Citizens Alliance -- the objections being made are frivolous. Much of this should have been represented earlier. The people waited until the last minute to submit their protest to BLM - the bottom line is to kill the project for another year and it is a money driven thing. Tom Dodson's comments are invalid. If we can put it back a year - it gives the competition an opportunity to improve their operation and will make them very competitive for their opposition. This makes them go back to the drawing board - it is a competitive business. Another thing - the P & Z presentation - American Soda says if they have an opportunity they will provide tax incentives, and Gene listed them. He's heard nothing from the other company. This County can benefit from this industry - everything that has been presented it positive.

*Welton Francis* - Battlement Mesa - Chairman of Oil and Gas Committee and he works for Battlement Service Association -- volunteer -- who is also present today. This Association is the quasi government for Battlement Mesa which is unincorporated and consists of about 3,000 people. The surrounding area is farms and many ranges of another 1,000 plus friends in Parachute probably another 1,000 people so roughly 5,000 who are the ones to be impacted by this program -- positively. Battlement Mesa has an infrastructure left over from Exxon which was designed to contain about 45,000 people with sewer and water plant, the streets, and everything in place to handle the employees. There is Affordable Housing in Battlement Mesa and plenty of expansion. They reviewed the EIS that was submitted and the Association made comments that they were very few negative impacts. It is like the American dream -- the small business -- a small business owner who developed a process and took the product to a first class nationwide company to help develop. The Association cannot phantom the legitimacy of the opposition as it is far outweighed by the benefits. He said the Association strongly recommends that the Board of County Commissioners try to accommodate with their timetable.

*Mike Breavermen* - Battlement Mesa resident said he came from a competitive industry and the only analogy he can see compared with what Kurt is doing with American Soda is that competition is very positive -- the soda ash business will be benefit Colorado both economically once it enfold and feels so many good things will happen to this Community including the economic impacts particularly that the UNOCAL Plant is going to be refurbished makes a great deal of sense. This is a good thing and he is thrilled with it.

*Ed Cooley* - passed on any statements -- he was signed up to speak.

*Charles Yates* - commented on some points that Mr. Dodson made. 1) The permitting is evolutionary, it starts at one point and it grows; the draft Environmental Impact Statement (EIS) is a draft and eventually it becomes a final environmental statement -- some statements Mr. Dodson raised will be further defined and further specified in the EIS. Some specific things -- transportation and noise, the railroad -- these things are more fully developed than several months ago. John Barbee has the latest analysis which very clearly specifies what they are planning to move in terms of railway transportation versus truck. They have had numerous conversations with the railroad since the permitting process was initially started and at this point it is well defined but when it was started they gave out numbers that gave an average number of railroad cars that would be shipped. Eventually you decide how many days per week you are going to ship. This changes as time goes on. He's comfortable with where they are at. First, the EIS of this project is significantly less than in Wyoming and California. Those projects have less impact than those in Europe and China. Mr. Dodson portrays that the playing field is level - this is not the case - anybody who is in permitting process knows that the last project is the most restrictive. The plants in Green River and California would not exist if they were permitting in today's environment. They were permitted many years ago. The newest producer has the higher hurdles to jump. This is where we are today and this project will meet the exceed all the standards they re required to meet. This is a very good project.

*Tom Beard* - said in 1994 he watched the presentation by Arnold Mackley to numerous groups around the County and basically the presentation showed us the disadvantage of County when we lost all industrial applications. He strongly encouraged the Board to approve this Special Use Permit -- this is the kind of growth that is vital to the future of the County -- with the Gallagher Amendment we are limited on what kind of taxes we can raise of residential purposes -- this is the kind of thing that going to pay our future. This kind of growth begets more growth -- it's good -- it's clean. Both his company and himself support it 100%.

*Rollie Fisher* - Directed his request to approve this application. On the comment of using 1200 acre feet of water -- that water use within the State of Colorado is under decrees -- this water is decreed and the priority system in the State of Colorado prevents the exercise of dominion over that water once it's diverted. He worked with his Kurk Nielsen's father -- and said he can testify to the integrity of the personnel and to the fairness of the application and it's compliance at this state of the game.

*David Cunningham* - lives in Frisco, Colorado. He had an issue regarding netting over the pond but Kurt addressed it and American Soda listened. This project is a positive thing - American Soda listened and they addressed it. However, there are more issues regarding the bald eagles and the open ponds. Without the netting over the ponds they could drown. He also referenced the mule deer issue saying this is a BLM issue and they have not conducted a full investigation. This is not too much to ask of this Board -- do your job. He encouraged the Board not to rush through this approval process.

John Loske - Chairman Martin swore him. He is the Mayor or Parachute and has been a resident in the area since 1980 and a volunteer in the community for 17 years. American Soda does have involvement in the Community attending various Chamber meetings-- Kawanis meetings and when he started talking about America Soda he added they would donate a facility for the kids in the community. These folks have the best interest of the residents in mind. There is adequate housing in the area and he urged support of this project. He offered Parachute's support.

Commissioner McCown inquired as to CR 215 including rail crossing repair and chip sealing the road.

Kurk Nielsen - said they were aware that CR 215 an issue and have begun to look at it as to what would be required to improve it. The reference to 1.4 million tons -- they are not shipping or producing that amount of product. They have planned and proposed aa 950,000 production tons per year.

Scott Balcomb -said if the Board would be comfort, then put a condition that they will repair any damage necessary to offset their impacts to the road and work with the County's Road & Bridge's Director for a specific sum. He encouraged the Board to act now - the County receives the benefits of the impacts. If the Board acts now and would accept the repair of the CR affected it would tell the federal and state regulators and be sending the message that at a minimum the people that stand to be directly affected support this project and this is important to the applicant and the people in Garfield County. He asked the Board to approve the SUP today if possible.

Don DeFord proposed some language concerning the road impacts. Proportional impact and a condition that would require that the applicant participate in repairs and reconstruction of CR 215 based on their proportional impact and according to a formula that would be acceptable to the County Engineer.

Scott Balcomb - said the applicant accepts that language.

John Barbee said there are 3 Special Use Permits: 1) the pipeline will have the most impact on the endangered species. This will come up in a later review this summer. This is a revocable permit and the County can revoke the permit -- this is a good safety net for the staff and the Board.

Don DeFord - in regard to a comment made by Mr. Dodson, he drew the Board's attention to Condition #15 concerned the Resolutions approving Special Use Permits for Union Oil. If the Board adopts this recommendation as made by John Barbee, it specifically requires that revocation occur at a separate proceeding and it would have to be noticed as a Public Hearing.

A motion was made to close the Public Hearing by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion; carried.

Deliberation and Discussion

Action No. 1

Commissioner McCown made a motion to approve this to approve the Special Use Permit to allow the redevelopment on an existing industrial facility to produce sodium products from solution mined nahcolite delivered via a 44 mile long pipeline to be processed at this location with the recommendations of staff as agreed to by the applicant that were noted as 1 - 22 and add condition 23 adding the wording (Don added there was no condition no. 15, therefore the record would reflect 21 conditions).

Chairman Martin stepped down from the Chair to second the motion.

Motion carried.

**REQUEST FOR A REVIEW OF A SPECIAL USE PERMIT TO ALLOW FOR THE REPEAL AND RE-ISSUANCE OF AN EXISTING SPECIAL USE PERMIT ISSUED TO UNION OIL FOR A RAIL SPUR. APPLICANT: AMERICAN SODA, LLP & UNION OIL COMPANY**

John Barbee, Don DeFord, Scott Balcomb Kurk Neilsen, General Manager of American Soda and Chris Freeman were present.

Don stated he did review the notification and it was timely under the regulations and Chris Freeman did identify the landowners. Don therefore advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John Barbee submitted the following Exhibits: Exhibits A - Green and White Receipts; Exhibit B - Proof of Publication; and Exhibit C - Staff Report and Attachments.

Chairman Martin admitted Exhibits A - C into the record.

John referenced Resolutions 81-12 and 81-281 - regarding the rail spur. He referenced that the Board will be amending these resolutions to include the shipment of oil shale will stay in place and will include America Soda and Union Oil. There is a portion of the easement that is Exxons. The applicant has obtained the right to use that easement. These individuals have been authorized to use the rail spur.

This is a request for review of a Special Use Permit to allow transference of an existing rail spur to be utilized for material transport of finished sodium products in conjunctions with the American Soda Yankee Gulch Sodium Minerals Project processing facility.

**Recommendation**

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 Planning Commission, shall be considered conditions of approval.

As used herein the term "applicant" shall apply to and bind any person, corporation, association or other entity of whatever nature which assumes ownership, responsibility or control over the proposed facility or any part thereof.

That the operation of the facility be done in accordance with any federal, state or local regulations governing the operation of this type of facility.

That the applicants obtain necessary crossing permits prior to the crossing of any public road.

That Resolution 81-281 be replaced at such time as approval by resolution of herein described special use permit.

That the applicant provide a new legal description of the railroad right-of-way prior to the issuance of a permit.

That the applicant provide to the County a Draft Rail Spur Transportation Plan detailing lighting, noise and alignment as identified in the Staff Report one week prior to review by the Board of County Commissioners. The applicant shall provide a final plan prior to reconstruction of the rail spur.

That the applicant obtain a service contract, as may be required with a rail carrier guaranteeing service availability, within eighteen (18) months of issuance of the special use permit.

Prior to mobilization and/or construction, the applicant shall obtain approval of all proposed crossings of County Roads from the Garfield County Road and Bridge Department including appropriate notification of the public as may be necessary for road closures or other activities as required.

Prior to mobilization and/or construction, but no later than issuance of the special use permit, the applicant or the applicant's contractor(s) shall obtain overweight vehicle permits from the Garfield County Road and Bridge Department.

The applicant shall obtain all licenses, as may be required for vehicles used by the applicant and the applicant's contractor(s), from the Garfield County Clerk and Recorder.

American Soda and Union oil shall provide to the County, an agreement detailing which company will be responsible for the short and long term conditions of approval as provided in the special use permit.

That the applicant provide documented approval Exxon for those portions of the rail easement to be utilized by both American Soda and by Union Oil prior to issuance of a building permit.

John stated that item 13 has been secured. Condition No. 12 has not yet.

*Scott Balcomb* - said that the railroad bed exists but the rails have been removed.

The applicant accepts the 13 conditions and they intend on complying.



*Chairman Martin* - asked what they were proposing for train trips.

*Dave Axelson* - responsible for transportation for American Soda. The train operations -- they have had multiple meetings with Union Pacific all based in Grand Junction as well as operational people in Denver and California. A daily train runs through Parachute to serve this portion of the western slope. The addition would be approximately 35 - 41 rail cars per day and be bringing in on an average 35 - 41 empty rail cars and picking up 35 - 41 loaded cars. This is an average. Projected hours of service - 6 P.M. - 10 P.M. nightly on average. More recently they now think it will be 2 P.M. and 6 - 7 P.M. servicing this facility. The time in service for this facility will be average one hour. The switching of cars -- the rail will bring empty cars up 2 1/2 road miles from I-70 - pick up the loaded cars at the plant site and bring back down to the Parachute side track and continue on; the largest bulk of noise and switching activity will be at plant site. They will have their own locomotive within their plant -- do not plan to use their locomotive except in unusual circumstances. Probably house the locomotive in a designated site for period of nonuse; and in winter it would be housed. Loading will in closed facilities using a vertical shoot to manage the dust. No loading in open air.

Scott Balcomb - adopt by reference - complete set of the slides to the record.

Public Comments:

Tom Dodson - reiterated and his letter remain the same.

Exhibit D - Tom Dodson's letter.

Exhibit E - Garfield County Zoning Resolution of 1978 and Exhibit F - Garfield County Comprehensive Plan of 1984.

A - F - were accepted into the record.

Dave Axelson said he met with both the PUC and C-DOT at the plant and addressed all road crossing and signals. Verbal agreement with both entities and the Town of Parachute engineers and railroad. Planned to put concrete ties down as railroad crossing - minimum amount of maintenance needed and they will use concrete which is best of all crossings.

John Barbee stated that Resolution #81-281 will be repealed and a new permit will be issued.

Exhibit G - Scott Balcomb stated as part of the record they would have to have the bundle of exhibits from the first hearing marked as the next sequential exhibit.

Chairman Martin entered Exhibit G into the record.

A motion was made by Commissioner McCown to close the Public Hearing. Chairman Martin stepped down as Chair to second the motion; carried.

A motion was made by Commissioner McCown to approve the Special Use Permit to allow transference of an existing rail spur to be utilized for rail and truck transport for sodium products in conjunction with the American Soda/Yankee Gulch Sodium Mineral Process Facility with the 13 recommendations from the staff and other items spoken to in testimony.

Chairman Martin stepped down as Chair to second the motion; carried.

### ***Division of Wildlife - Department of Natural Resources - Impact Assistance Grants to Counties***

Mildred explained this was explained as an impact assistance grant based on loss of assessed value of land by DOW and originated from the County Assessor.

A motion was made by Commissioner McCown moved that the Chair be authorized to sign a letter for Impact Assistance Grants to Counties for tax year 1998. Chairman Martin stepped down as Chair to second the motion; carried.

### ***Airport Manager***

Ed mentioned that the interviewing team consisting of Dale Hancock, Phyllis Lundy and he. They had selected Ken Maenpa as the Airport Manager. Other candidates were notified.

### ***Jail - Parking Concerns***

Commissioner McCown said for the record that he had given Don DeFord a list of concerns regarding cost related at what level of responsibility would Garfield County have in participating in this project: 8th street, parking be it the bus situation - where and what we need to generate for site expansion for court and parking issue.

Martin - a big concern - benefits and determinants.

McCown - Bob - considered - below at - Pitkin - dropping to get under - only access to this new facility will be at 8th and Pitkin. Unless they will put a cut that will end up in UPL to come to the grade at 8th street.

***Adjourn***

A motion was made by Commissioner McCown to adjourn and seconded by Chairman Martin who stepped down as Chair; carried.

Attest:

Chairman of the Board

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**APRIL 12, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 12, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**CCI Report**

Chairman Martin reported on the meetings with CCI and the oil and gas representatives; many including Northwest Associated Governments spoke and opposed the Bill before the Legislature. Commissioner McCown added the task force that worked last year with the Oil and Gas Industry and assured us they would not be coming forth with any Bill like this -- now they have decided to do so. Apparently there is about \$50 million in tax credits already out there that is not being told to the public, therefore there is support to oppose the action.

***Telecommunication Authority - a \$40 Million -- Bill***

Chairman Martin said this deals with infrastructure, etc. CCI, MCI, TCI and a few other opposing it because basically all long distance carriers on the antimonopoly type of make-up will have to furnish home service as well as long-distance service. They only want the long-distance and not home service which are required by the PUC already in place.

***Land Use - Reasonable Growth Act - Natural Resources***

They are still working on the second draft and it is still in Committee.

***Hog Farming with Air Quality***

Chairman Martin mentioned this is the most interesting. Basically the next step is to deal with dairy cows and then also the beef industry requiring the same restrictions. Sheep and horses will come after the others. There are only one or two hog farmers in western Colorado.

***Associated Government's Activities***

Commissioner McCown stated he submitted information directly to each of the Commissioners. He was elected as Vice Chairman Position and Councilman from Rifle Dave Ling is Chairman for 1999; and Dan Allison from Routt County Commissioner is the Treasurer.

***Request - Wilderness Bill***

Chairman Martin mentioned there was a request from CCI to get up on the facts as to what was being presented on the Wilderness Bill; that each County make sure they have their inventory on wilderness areas as well as road less areas documented on GPS and there will be a Resolution that all counties will be recommend wilderness areas in their counties. Then take this particular legislation to their representatives in Washington. Rio Blanco and Garfield needs to have a representative -- this is in Washington, D.C. May 4 - 6.

***Agriculture - PDR's - Conservation Easements***

Commissioner McCown attended and said there were 100 ranchers represented. They took a poll included in everyone's packet was a brief questionnaire on whether PDR's; TDR's; Conservation Easements or Leave As Is. There was a lot of discussion on the underlying zoning. The results of the polls have not been released yet. Eagle County was represented and Victoria Giannola from Building and Planning were there as well.

**COUNTY ATTORNEY'S UPDATE**

Don DeFord gave his report.

***Executive Session regarding RFRHA litigation; DeFoor & Gardner Claims; and the Title to Property in Rifle***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

### ***Discussion Mid-Valley Sanitation District and CR 109***

#### ***CR 109***

Jim Leuthueser and Don DeFord presented.

A final contract is ready to put into place. Don has reviewed it and it is in agreement with Schmueser Gordon Meyer.

Land Acquisition in that area is still being worked on by Jim Leuthueser.

County Engineer Bob Szrot that while all these paper issues are going on, everyone is ready to sign a deed as soon as the paperwork is ready. The parties in Denver are amenable. The deeds are the hold up. The bid opening went well; \$1.7 million -- Bogue Construction. The contractor is ready to start as soon as we award the bid.

Don DeFord stated there is \$60,000 for land acquisition. The Arbitration cost is under \$5,000 and that is fees for the services.

Jim Leuthueser will have the deeds today but he wasn't sure if the time lines could be met. He said all the parties are amenable.

#### ***Mid-Valley Sanitation Update***

Don stated Eagle County will participate in the review process. Mid-Valley has requested an extended time - Mark said they have requested an extension. In May the presentation will be made at regular Planning meeting and in June or July to the Board.

Don stated that the Ranch at Roaring Fork and Harold and Gene Blue do not want to be a party to this.

#### ***Letter to State Health***

Mark mentioned a concern is the State Health Department -- they seem to be pushing a lot of issues such as wanting regional waste water plants up and down the valley. Concern - the State not consistent about locations. One possibility that Mark suggested was for this Board to sign a letter requesting more direct state participation and commitment on their part to back-up what is essentially the local 208 Water Processes and determinations.

#### ***Letter - Sign a Request of Support from Garfield County to State Health***

Bob Szrot County Engineer's will write a letter -- the County should take a position for our best interest - State wants to follow the local's direction. This would be a good thing based on the new update 208 plan which is not complete.

#### ***Ammonia and Discharging and Regionalization***

Bob Szrot stated that ammonia limits and the state is looking at capping it at 16 milligrams per liter; the river they feel could accommodate up into the 30's. Typical discharge along the Roaring Fork are usually less than 5. Currently we are not at that situation. The Mid-Valley District serving parts of Eagle County, Dakota Subdivision, and looking at the north east side of the river and expanding their district to include Roaring Fork, Pershanna, Finnbarr and everything in-between. Carbondale is looking at expanding. The situation is that Roaring Fork is now saying that they do not want to be part of this. Originally some of the other entities were looking at combining prior to the Mid-Valley option. Now they are uncertain as to whether to go with Mid-Valley or the other expansion possibilities. One of the questions is -- where does Carbondale want to go with this -- to the County-line? If not, then how far will they go and what relationship does this place with Mid-Valley serving this area?

### **COUNTY ADMINISTRATOR'S UPDATE**

Ed Green gave the report.

#### ***FAA Conference***

Ed Green, Carolyn Dalghren, and Ken Maenpa were there and met with Isbill and Associations with respect to hangers. The Pfiefer Hanger may not be placed appropriately on the Airport grounds in order to plan for "through the fence" operation. Isbill took a look at the drawings and the situation and concluded there was original proposed a taxi way to the east of the heliport and this is the best location on that side for

the "through the fence" operation. Their conclusion was that the Pfiefer Hanger is okay as is. They suggested to make a taxi way between Parcels C and D would be to relocate the "T" hangers in order to have more space.

FAA is leaning toward for Garfield County's Airport is a "D" Designation. For a D Designation you need 131 feet on the taxi-ways -- preferable 150 feet. One problem Isbill did come up with was the proposed long hanger Hoffman has on the southern part of parcel of C. This will eat up the road on the south side of the Airport. They suggested to alter the footprint of the two larger hangers that are planned -- one with Jet Solution and one with Paul Hoffman; or move the footprint further to the north -- but that's where all the tie downs are. The FAA will look into it and get back.

Carolyn discussed the navigational easements saying that Jimmy Sill's property was a concern. Isbill indicated the Sills would have to build a structure of 170 feet before that would be a problem. The outcropping of all this -- the County should have a joint city meeting with Silt, and Rifle and the Board and have FAA come in and discuss with them about the concerns. If that's okay - Ed would like to have this accomplished as soon as Ken Maenpa arrives on staff.

The Board agreed.

#### ***Airport Improvement Projects (AIP)***

The FAA has \$5 billion to use for AIP -- one high priority is safety improvements in mountain airport ports. They want runways to be 150 feet -- ours is 100 feet -- to lengthen our and others is a top priority. For the runway safety zones they want 110 feet and will add money to have us improve the safety zone. FAA may provide these programs without matching funds. For Garfield County Airport to go from a C into a D designation means we could handle the largest corporate jets. The C-3 is no longer an objective and FAA wants us to move to a D-3 Airport.

Nance Early - head of FAA for Colorado was very happy that the County has moved forward and added an Airport Manager

#### ***Request - Garfield Youth Services - Sponsor Organization as Financial Agent - State Grants***

Alec submitted the proposed forms -- Allen does not have a problem except for the audit situation as the County would be responsible for the audits.

The Commissioners asked for Don DeFord to look at it and bring it back.

#### ***Engineering Service and Construction Services - South Canyon Bridge***

Ed submitted the Agreements for Engineering Services and Construction Management on the South Canyon Bridge -- Pottillo for \$7500 and MK Centennial for \$11,354.

Pottilla did agree to reduce the amount of insurance.

State grant money.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign these agreements as presented; carried.

### **JAIL DISCUSSION**

Tom Dalessandri, Al Maggard and Mark Bean were present.

Update given by Tom -- he had a meeting with the architect on April 23rd. The concern regarding technical assessment and fitting the building on site -- the architect says yes he can do it. He's working on plans, City Hall's plans were also done conceptually using the square footage as provided by the City -- and yes Reilly Johnson said he can make everything fit

### **PUBLIC COMMENTS NOT ON THE AGENDA**

Alice Parsons came before the Board regarding a concern in DeBeque for logging rights. Tim Roberts calls her requesting a road across their property and for several years the Parsons have said no. BLM have come out and instructed the Parsons this is not a wise thing to do since the property is very steep. Her son-in-law wrote a letter to the Commissioners and she wondered if they had received it. It concerns the same issue.

It's Dale Albertson's property and Tim Roberts is with the Colorado Timber Land Company.

Chairman Martin stated they had received a copy of the letter and it was forwarded to the Building and Planning Department.

### **NEW METHODOLOGY FOR DETERMINATION OF COLORADO WORKS MOE**

Margaret Long, Janice George and Colette Barksdale were present.

Margaret reported that there was a new determination for the works program and maintenance of effort. When the proposal came in it stated they adopted a new methodology that now requires a bid from each county on what they determine will be needed starting July 1. This determines the maintenance of effort. Before they changed the welfare reform and went to a block grant, the states passed that down to the counties. It is no longer a matching grant; the feds say the

two are different. One is the actual and the other is the targeted maintenance of effort.

The idea behind Block Grants is that you get a block of money, use it to get people off of welfare and save some of it for a raining day. You use self-sufficiency programs and other ways to apply to a nontraditional case load. Now there is a change in midstream and a bid is due in by April 15 to CCI. Margaret submitted a reasonable bid for Garfield County that was shown in a handout to the Commissioners. The is projected by state expenditures based on the first 6 months. In Colorado Works the department added housing services direct and services from the Housing Authority; bonuses; additional transportation cost; and an increased case load. For this increased case load, many go into the LINK Program -- an intensive 10 week course to prepare applicants for school and/or work. The projected bid that Margaret submitted was for \$880,000.

Colette explained the maintenance of effort saying that for 1998-99 the expenditure is over \$1 million. In their budget they have over \$1 million they could spend. The \$880,000 is conservative and will provide enough funds to operate the program. There is a new way the maintenance level of effort is handled -- it must be brought up to the \$214,307. There is \$168,000,000 to allocate across the counties. \$214,307 is the maximum for the county to come up with out of the block grant. Colette explained that she budgeted \$194,000 of the \$214,307. Colette suggested absorbing the remaining \$20,000 from the bail out from the Old Age Pension. No new county omnis are needed. The dilemma is to know what to bid - should they bid the \$1 million they have now, should they bid what they have in front of us which is the \$880,000 that they think they will use for the program; or do they bid lower than that and take a change that they will not be able to do all the programs that they want and lose out of federal dollars that could ultimately come into the County?

Margaret stated the worse case scenario is that if they cut it back so much and then be unable to meet their contractual performance agreement in terms of the number of individuals in the work component slots and getting them off. Margaret said you can take TANF dollars and transfer some to child care. The Rural Resort has decided that child care is one issue they want to go forward with. In the Rural Resort area there is enough TANF funds between Eagle, Garfield and Lake Counties to run the increased capacity building and child care licenses for the next two years.

Colette stated they would like to present this to the Board as it is laid out here and request the Commissioners authorize the Chair to sign the document.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to support the bid process as outlined in the previous discussion with the County's maximum MOE being at \$214,307 and authorize the Chair that to sign; carried.

## **DISCUSSION OF GARFIELD COUNTY BECOMING HOME RULE COUNTY**

Don DeFord, Georgia Chamberlain, Allen Sartin and Ed Green were present.

This item was requested by a citizens group. This would increase the Commissioners from three to five members.

Charlie Wilman and Tom Jankovsky were present.

Charlie Wilman said he had been approached by a citizens' group to do an examination as to whether Home Rule is a concept the County would be agreeable with to proceed. The reason he is approaching the Board is because it would require an election to determine if there was interest. It requires five percent of the registered voters to sign a petition requesting the formation of a home-rule charter commission. then a county election must be held to choose the 11- member charter commission. The elected commission has 250 days to develop a charter setting out how the county would be governed under home rule, and then another special election has to be set for voters to okay or reject the charter as written. If the charter is approved, it goes into effect on January 1 of the next year. If it is turned down, the commission has an opportunity to revise it and propose a second election. All of these elections would be at the county's expenses.

Tom suggested creating an ad hoc committee - Charlie Wilman, Tom Beard and others were willing to serve on the Board -- including Mildred Alsdorf who will provide her expertise as well. He said the ad-

hoc committee would come back and report the advantages and/or disadvantages of forming a Home Rule County by June to the Commissioners.

Charlie Wilman said in 1902 the Colorado Constitution allowed the cities to become Home Rule and since then 250 of the 267 cities are now Home Rule. In 1970 it took 68 years to allow a County to become Home Rule and in that time only two have succeeded -- Summit County just failed last year to become Home Rule. Some of the advantages of Home Rule Counties is that they can expand, if they want to, from 3 to 5 Commissioners and is currently broken down by Statute. Any County under 70,000 can only have 3 Commissioners. Even though a County is Home Rule, it will still have to be a districting selection -- 3 have to live in the different districts and then 2 at large. You can also restructure your County Government to some degree -- The Treasurer, Clerk & Recorder, Coroner, Assessor and Sheriff can become appointed, or they can remain elected. The salaries then would be set by the Commissioners of all those appointed officials as well as their own salaries. So then could either be a savings or a cost.

Pitkin County is Home Rule and Chairman Martin said they are the hardest to work with. The easiest and most simple straight forward Home Rule County is Weld County.

Charlie Wilman said the goal is a better County Government.

Commissioner Stowe wants to hear the pros and cons based on the citizens' input.

#### ***Ad Hoc Committee - Formation***

A decision was made to announce in the newspaper that an Ad Hoc Committee was being formulated. Interested persons should attend the meeting on April 23, 1999 or send a letter of interest.

#### **SESSION I - Y2K: GUY MEYER**

Guy Meyer and Ron Hykys submitted a handout that split up into internal and external services.

Power or lack of is the biggest potential impact. Guy sent out Y2K hazard analysis trying to identify the service areas they were willing to support if there was a problem.

Red Cross - does not support shelter. Special needs -- Deb Stewart of Senior Services reported to Guy that all the mechanisms are in place -- people are identified and will continue to receive service.

Emergency shelters, waste water and how to move the waste would be provided by a large generator on a truck mount to service; County Services -- 1) road and bridge for snow removal; 2) sheriff; 3) social services and 4) accounting are the key offices to make sure the essentials are covered. Resources needed - staffing, fuel and county personnel for operations.

Guy asked the Board's position on these staff identified services?

He said HAM operators will be used as well.

Guy reported he had a response from 1/3 of the departments and they addressed: the staff needs including the office environment with power, light, sanitary facilities; and Social Services for vehicles, fuel, and communications;

Guy stated the Board's is needed in what we will address and what levels of services the county will support in worse case. The focus is to be prepared and informed versus panic. Power outages have been identified as the biggest problem.

King Lloyd has 10 days of fuel on hand and 3 days for diesel stored in Roan Creek.

Hospitals and Nursing Homes will use natural gas generators and they are taking a number of precautions of having extra food on hand.

Guy suggested that he should prepare some type of a pamphlet to distribute in order to make sure that correction information was disseminated to the public to keep from being confusing. Therefore, they are in the process of working with CMC on information to be included in the pamphlet - both in Spanish and English and they plan to have this ready for October.

The Board directed Guy to continue on the information path and deal with the comfort level -- and make recommendations.

#### **CONSENT AGENDA**

##### ***Weed and Pest Vehicle***

Staff recommends to accept the bid for the 1999 Chevrolet from John Haines Chevrolet for \$25,936.00 with an 8 week delivery.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to accept the recommended bid from John Haines Chevrolet for \$25,936.00; carried.

## **PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA**

### ***Silt Reinforcement Project - Public Service***

Alan Morganfield and Paul Hyams - Public Service -- said they were working on a project called the Silt Reinforcement Project regarding CR 311 and in a couple of week this will be presented before the Board a Special Use Permit for the project. Today they discussed with the Commissioners an easement for access that the County owns that is along CR 311 and parallels the Colorado River on the south side. Public Service is bringing supplies and natural gas into the Silt/Rifle/New Castle area and find it necessary to tap into the Rifle/Avon Pipeline which is south of the Colorado River.

The Board did not anticipate any problems but indicated drawing was submitted.

40" deep and a 4" gasline is proposed.

A draft easement and a legal was faxed to Stewart Title -- will leave for Don to review.

a 25 ft. easement for construction. Any distribution would be repaired to original condition.

## **DISCUSSION ON FIRE BAN**

Guy Meyer and Don DeFord 2-4257

The Fire Chiefs mentioned there was no need for a fire ban. This was canceled.

## **BUILDING AND PLANNING ISSUES**

### ***Lough Final Subdivision Plan***

This was not presented.

### ***Resolution - Rocky Mountain Natural Gas - Special Use Permit - Amending 99-06***

### ***Resolution - Fraser - Special Use Permit - Amending 99-04***

Mark mentioned these Resolution has scriveners errors.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the amended Resolutions for Rocky Mountain Natural Gas and Frank Fraser; carried.

### ***McNulty Final Exemption Plat***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the McNulty Final Exemption plat and authorize the Chair to sign; carried.

## **PUBLIC MEETING - REQUEST FOR SUBDIVISION EXEMPTION TO CREATE 4 PARCELS OF 2.7, 4.2, 9.0 AND 136 FROM PRINCIPAL PARCEL OF 151 ACRES ON PROPERTY LOCATED GENERALLY 1 MILE SOUTH WEST OF I-70 BETWEEN GRASS AND TAUGHENBAUGH MESA UP HELMER GULCH ALONG CR 320. APPLICANT: DAVID & ANNE JOHNSON**

Don DeFord, John Barbee and David and Anne Johnson were present.

Don determined that notification was in order and advised the Commissioners they were entitled to proceed.

John Barbee stated this is an exemption from the definition of subdivision on a 151 acre tract of land located approximately 2 1/4 miles southwest of Rifle on Taughenbaugh Mesa on CR 320.

Correction was made in the staff report - legal access is off of CR 320.

Recommendation:

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, 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 Site Acquisition Fees for the creation of the exemption parcel.

That the following plat note shall appear on the Final Exemption Plat: "Control of noxious weeds is the responsibility of the property owner." "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." "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 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." "Garfield County has a Right-to-Farm-and-Ranch regulation, which recognizes the important contribution agriculture makes to this County. Nuisance complaints made against customary and legal agricultural operations and practices will not be pursued." "Specific geological hazards may be encountered during the placement of structures and septic systems. Site specific analysis for placement may be required."

That the applicant, and any future property owners of said property agree to, as a condition of future continued approval of the special use permit, has the reasonable ability to connect with any municipal or centralized water and/or sewer system, the subject property owners shall be required to connect to said service and remove any existing well head(s) and individual sewage disposal system(s) which may be located on said property, within one year of the effective date of service availability.

The applicant shall provide to the County a letter guaranteeing water service availability for an indefinite period.

*David Johnson* mentioned that he has hopes of a well but at this point he has not found water.

Commissioner McCown mentioned he has never seen a water system purely supplied by a water agreement outside the city limits of Rifle.

Public Comment - none

Commissioner Martin mentioned he also has a concern for the water system.

Don DeFord - under the regulation if the Board goes on with this approval, there is a 120 days to obtain an agreement with the City of Rifle to have water.

Commissioner McCown moved to close the Public Hearing; Commissioner Stowe seconded; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the exemption from the definition of subdivision for David and Anne Johnson as described in the project information and staff comments with all major issues and concerns, suggested findings and 7 recommended conditions and if the applicant is unable to obtain conditions in No. 7 which is guaranteeing the water from the City of Rifle that the applicant will have to pursue the well drilling and an adequate source of water and a well sharing agreement must be place for these lots in order to have the exemption; also the corrections the staff made on the legal access on CR 320; carried.

**PUBLIC MEETING - REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION ON PROPERTY IDENTIFIED AS LOTS 16 & 17, SECTION 2 & 3, T8S, R88W, GENERALLY LOCATED ONE MILE NORTH WEST OF CARBONDALE. APPLICANT: MJN LAND INVESTMENTS**

Don DeFord, John Barbee, Joe Cline, Mark Nieslanik and Marty Nieslanik were present.

Don determined that notification was in order and advised the Commissioners they were entitled to proceed.

This is an exemption from the definition of subdivision on a 38.32 acre tract of land located approximately 3/4 miles west of Carbondale off State Hwy. 133.

John submitted a site plan and reviewed his project information.

Recommendation

Staff recommends DENIAL OR CONTINUANCE, based on the following findings:

That the applicant has not submitted sufficient proof of a legal and adequate source of water for all lots to be created by exemption.

That the applicant has not submitted an accurate sketch map of the site.

Commissioner Stowe commented there was a lot of loose ends up.

Don asked if a well permit had been applied for?

Mark Neislanik mentioned there is a well for one well for one in-house use. How will they provide water for 4 additional pieces of property. Each new property purchaser will own 25% of the existing pond.

Don DeFord clarified the existing well would then serve two lots and the other two lots would drill their own wells with separate permits?

Mark Nieslanik said yes, if they so chose.

Don inquired as to how else they would get water.

Mark Nieslanik said they would use the current water they have. They were going to put in storage facilities.

Don said it is currently not permitted for that.

Mark Nieslanik said they would have to re-permit for that.

Don clarified that normally when the well permit is issue it will specify the type of water rights that need to be obtained either through augmentation plan or frequently a substitutive water supply plan either through Basalt or West Divide. When they well permits are requested and if issued would drive what the County would require at the time an exemption plat is requested. So if the anticipated use is for four units off of one well, at the time of request for exemption plat, Don would ask that the Board condition this on actual issuance of a well permit -- permitting the use of that well together with any demonstration on any water rights that would be required by the Division of Water Resources.

Joe Kline - 20 foot easement - has a leech field just 5 feet of the proposed access. He has to identify the leech field and make sure it doesn't interfere with the road. Hasn't seen the plat - is there a plat in the alluvial fan? He also reminded Mark of the flood area.

Mark Nieslanik indicated that is Lot A and C will be sold.

John Nieslanik - father of these boys, said the reason they are doing this is the situation with TeKeKi back on the table. Can't continue to fight these people. Have to do something to pay the attorneys. He is ready to deal with the people that want to build 1350 - one County Commissioner signed up - only lip service from these Commissioners - boys are trying to help by putting some of their land up for sale.

The Commissioners must come up with some solution or east mesa is gone. When Nieslanik's sell - the entire agricultural community is gone. A real problem - they have held the line and they are bruised and beaten and about ready to cave in - must pay the attorneys. Tried of the lip service given.

Commissioner McCown commented there were too many loose ends and made a motion to continue this until May 10 at 2:00 P.M. Commissioner Stowe seconded the motion; carried.

**PUBLIC MEETING - REQUEST FOR EXEMPTION FROM THE DEFINITION OF SUBDIVISION ON THE PROPERTY LOCATED SOUTH OF NEW CASTLE ON GARFIELD CREEK, 7650 CR 312. APPLICANT: THOMAS & ELIZABETH COOK**

Don DeFord, John Barbee, Thomas Cook and Elizabeth Cook were present.

Don determined that notification was in order and advised the Board they were entitled to proceed.

John Barbee stated this is an exemption from the definition of subdivision on a 154 acre tract of land located approximately 2 1/4 miles north east of Rifle on County Road 210.

Correction - CR 312 not CR 210.

Recommendation:

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, indicting the legal description of the property, dimension and area of the proposed lot, 25 ft. wide 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 Site Acquisition Fees for the creation of the exemption parcel.

That the following plat notes shall appear on the Final Exemption Plat: "Control of noxious weeds is the responsibility of the property owner." "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." "No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defied 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 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." "Garfield County has a Right-to-Farm-and-Ranch regulation, which recognizes the important contribution agriculture makes to this

County. Nuisance complaints made against customary and legal agricultural operations and practices will not be pursued." "Specific geological hazards may be encountered during the placement of structures and septic systems. Site specific analysis for placement may be required." Prior to the approval of an exemption plat, the applicant will demonstrate that all new wells will meet 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 draw down 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) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates and suspended solids; 7) If any well is to be shared, a water sharing agreement will be filed with the exemption plat that defines the rights of the property owners to water from the well.

That the applicant, and any future property owners of said property agree to, as a condition of future continued approval of the special use permit, that if, in the future event that the property described by this special use permit, has the reasonable ability to connect with any municipal or centralized water and/or sewer system, the subject property owners shall be required to connect to said service and remove any existing well head(s) and individual sewage disposal system(s) which may be located on said property, within one year of the effective date of service availability."

Repair and maintenance of the access easement shall be the responsibility of the property owners subsequent to recordation of the subdivision.

A motion was made to close the Public Meeting by Commissioner Stowe and seconded by Commissioner McCown; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve an exemption from the definition of subdivision for Thomas and Elizabeth Cook as in the project information and staff comments, major issues and concerns with the 8 recommendation plus number 9 added by John outlining the fire protection standards; carried.

added no. 9 - all access easements meet the NFTA 299 for fire protection standard for plat notes and move the access agreements to the North boundary with the correction of CR 312 versus CR. 210; motion carried.

**PUBLIC HEARING - REQUEST FOR A SPECIAL USE PERMIT TO ALLOW FILL WITHIN A FLOOD PLAIN ON THE PROPERTY LOCATED ON THE SOUTH SIDE OF THE CATTLE CREEK CROSSING, IMMEDIATELY UPSTREAM FROM HWY. 82. APPLICANT: WAYNE RUDD**

Don DeFord, Mark Bean, and Wayne Rudd were present.

Don DeFord determined that adequate notification and publication was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark Bean submitted the following exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Project Report and Staff Comments; Exhibit D - Application and Attachments; Exhibit E - Garfield County Zoning Resolution of 1978 as amended; and Exhibit F - a map and a letter submitted by Tim Beck.

Chairman Martin admitted Exhibits A - F into the record.

Mark reviewed the request and noted that anything being served in this area would be in the floodplain (F) on page 6.

**Recommendation**

Staff recommends APPROVAL of the Special Use Permit based on 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 applicant's engineer needs to submit a signed statement with the stamp, certifying the carrying capacity of the Cattle Creek is being maintained.

any new construction on the new fill shall meet the following criteria, with an engineered design, with stamped plans: A) The lowest floor, including basement, of any new or substantially improved

building design, with stamped plans: B) All new construction or substantial

improvements shall be reasonably safe from flooding. C) Any new construction or

substantial improvement designed for commercial or industrial uses shall either: Elevate the lowest floor level, including basement, to not less than one (1) foot above the maximum water elevation of the 100 year flood, the structure.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for a special use permit application with the recommendations of staff No. 1 - 3 contained in the staff report; carried.

**PUBLIC HEARING: REQUEST FOR A ZONE MAP AMENDMENT FROM R/L/RD RESIDENTIAL LIMITED URBAN DENSITY, TO A/R/RD AGRICULTURAL RESIDENTIAL RURAL DENSITY FOR PROPERTY LOCATED A 3642 HWY. 82, 1/2 MILE SOUTH OF GLENWOOD SPRINGS, CO ON HWY. 82. APPLICANT: KAREN AND STEVEN GARDNER**

Don DeFord, John Barbee and Steve Gardner were present.

Don DeFord determined that adequate notification and publication was in order and advised the Commissioners they were entitled to proceed.

John Barbee submitted the following exhibits: Exhibit A - Proof of Publication Exhibit B - Green and White Returned Receipts; Exhibit C - Staff Report and Attachments.

Chairman Martin admitted Exhibits A - C into the record.

John mentioned this was a zone map amendment for a 11.49 acre tract of land

Steve Gardner mentioned they were interested in building an accessory dwelling unit and the first step included obtaining an approval for a zone map amendment.

Recommendation

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 F County Commissioners, shall be considered conditions of approval.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the zone map amendment for Steven and Karen Gardner with all the information contained in the project information and staff comments with the recommendation made by staff;

Commissioner McCown added public water and sewer be connected if made available by the City as an amendment and Commissioner Stowe approved the amendment; carried.

**PUBLIC HEARING - REQUEST FOR A ZONE TEXT AMENDMENT THAT WOULD ALLOW A ZONE MAP AMENDMENT FROM A/I AGRICULTURAL INDUSTRIAL TO C/G/ COMMERCIAL GENERAL ON THE PROPERTY LOCATED 1/4 MILE WEST OF SILT, CO 32497 HWY. 6 & 24, THE FORMER GARFIELD LIVESTOCK AUCTION BUILDING. APPLICANT: PORTER TOFT**

Don DeFord, John Barbee and Porter Toft were present.

Don DeFord determined that adequate notification and publication was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John Barbee submitted the following exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit - Application and Attachments; and Exhibit D - Project Report and Staff Comments.

Recommendation::

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.

One issue - a property owner to the south of him - an access easement - this might increase the use of the easement beyond the barn.

Porter Toft - can use as a livestock market still be used there is this is approved.

Mr. Lawrence - property owner on the south side. There are two access easements off of 6 & 24 - east to west direction - egress and ingress - 7.5 acres could be a lot of development. It was an agricultural land for 2000 cows. Well-sharing agreement - how does it affect.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a zone map amendment for Porter Toft as in the Project Information and Staff Comments, with all major concerns and issues, suggested findings and the (1) one recommendation; carried.

Adjourn

A motion was made by Commissioner Stowe and seconded by Commissioner McCown - carried.

Attest:

Chairman of the Board

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**APRIL 19, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 19, 1999 with Chairman John Martin and Commissioner Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

Commissioner Stowe was absent; he was attending the funeral of his mother-in-law.

**COUNTY ATTORNEY'S UPDATE**

Don DeFord gave his update report to the Board consisting of: advice on land acquisition of CR 109. He requested an Executive Session to provide legal advice.

***Intersection - CR 116 and CR 117 - Four Mile Road***

Don mentioned that the survey was plotted. The impact will affect property owners on either side of the road. Don added that the right-of-way was not as wide as previously expected. Another meeting is scheduled for Thursday at 1:30 P.M. Don indicated that discussion are ongoing.

**ADMINISTRATOR'S UPDATE**

Ed Green gave his update report to the Board consisting of:

***Fairboard***

The upcoming Fairboard requested direction on the County assisting in the purchase of supplemental insurance on certain events. Ed indicated that CTSI will be the source of that insurance. The budget for the Fair was given that included: a rodeo with sanction fees and prize money; \$1200 for a horse races; A proposed concert estimated to cost \$10,000 and to provide monetary funds for a mud bog of \$1000. Total over the \$11,600 was an additional \$17,000. The Fairboard did not have a discussion with Ed about revenues but this would be a topic of conservation at the upcoming Fairboard meeting. Revenues generated as a result of these events would return a substantial amount. Ed further commented that the budget was in good shape and the County could afford to spend the \$17,000 additionally money to put on the Fair. Chairman Martin stated he supports the rodeo and events of County Fair - it needs to be built up. Commissioner McCown mentioned he also favored the Fairboard's request. He stated he felt positive that the revenue of ticket sales would come back to the County.

Commissioner McCown made a motion to approve the additional \$17,000 for the Fair. Chairman Martin stepped down as Chair to second the motion; carried.

***Chris Pfiefer - Hanger Lease - Airport***

Carolyn Dalghren and Ed met and worked jointly on this. He added that it should be completed this week. After this is finalized they will work with Aspen Jet Solutions.

Ken Manepa has been assigned to update the 6 year capital improvement plan that is due April 15, 1999. C-DOT granted the County an extension on this and gave us another 2 weeks. Ken will update that 6 year CIP in Denver by working with Isbill and Carolyn.

***Supplemental - Resolution - 30 Different Expenditures***

Ed said that Dale and Allen are working on the Resolution. The most significant supplemental is the partial of the closure and post-closure class for the Landfill -- 1/2 million dollars. The good part of this is that the unused closure funds have grown in the last few months to \$166,000.

***Copier - Administrative Offices***

Mildred and Ed have discussed copiers and the reliability of copiers in the administrative offices -- particular concern is the one on the second floor. One of the problems was identified as some of the documents being copies have a wax content and may be attributing to the malfunction of the copier. If this is the case then a remedy would be to purchase a small copier to deal with those needs.

Mildred clarified that the documents were Birth and Death Certificate copies. She is checking with the supplier to investigate this concern.

***Joint meeting - City Council of Rifle - Navigational Easements at the Airport***

Dave Hawker and Craig Olson will be meeting with Ed to discuss this.

***Additional Space - Courts***

Judy Vanderleist representing the Courts mentioned they will require additional 5 offices in the Courthouse. There will be 2 new probation officers; an alcohol and drug specialist; clerical support and a supervisor beginning in July. Dale and Ed will be exploring space both in Glenwood Springs and Rifle.

***Accounting Office***

Ed mentioned that a new controller, Ruth Kary had been hired and will begin on May 3rd.

***Jail Remodel Project***

Ed mentioned the bids have been closed for the jail remodel project.

***Furniture - Board Room***

Ed mentioned that Chuck Brenner will provide a conceptual design this week.

***Riding Arena***

Ed mentioned that the bids have been opened and Bob Szrot is evaluating them. Bob stated that the project is projected to stay within the \$510,000 budget.

***Financial Management Guide***

Ed said this had been issued for comments. Staff will be providing input and then it will be presented to the Board for comments in May. This management guide is the mechanics of how this system works.

**COUNTY ROAD 109 CONTRACT AWARD**

Don DeFord and Bob Szrot gave the presentation.

Don stated his recommendation was to defer this to May 3rd meeting due to the uncertainties on land acquisition.

A motion to continue the contract award until May 3 at 11:45 P.M. was made by Commissioner McCown and Chairman Martin stepped down as Chair to second the motion; carried.

***Fairgrounds Contracts***

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve the following Contracts for the Fairgrounds:  
Colorado Quarterhorse Association - Horse Clinic - April 24 and 25; North Western Colorado High School Rodeo Club - May 8 and 9; Colorado Quarterhorse Show - All Breed Horse Show - May 15 and 16; and Rifle Rendezvous on May 22 through May 24. Motion carried.

***Documents - Oil Royalties***

The royalty rights on Ballard Petroleum and Barrett Resources were presented for approval of the Board. A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to authorize the Chair to sign the royalty rights; carried.

***Easement - Public Service Company***

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to authorize the Chair to sign the utility easement for Public Service Company a 50 foot center line on a section of CR 311 in Silt; carried.

**HUMAN SERVICES COMMISSION GRANTS PROCESS**

Allen Sartin, Chairman of Lift-Up Allen Raines, Ed Green, Margaret Long, Cheryl Hurst, Debbie Wilde, Bruce Christensen, Deb Stewart, Michael Lucid and Sandy Swanson Executive Director of the Family Visitors Program were present. Sandy Swanson of the Family Visitor Program presented a revised application for CY 2000 funding. Additionally, a Mission Statement for every program that was funded in CY 1999 by Garfield County was included in the draft submission.

Bruce Christensen mentioned there were three changes being proposed today: 1) the proposal to change the cycle to the County's regular budget cycle; 2) the grant application and information useful in assisting the

Commissioners identify the needs in the County; and 3) the clarification of the role of recommendation by the Human Services Commission.

Sandy Swanson mentioned that 1) the subcommittee met with the County Administration and discussed the problem that they were out of since with the County's budget. Therefore, a proposal to solicit applications no later than July 15 to make recommendation to the County by mid-August was being proposed. 2)

Changes in grant application and information that is useful in reviewing the application. When the Committee reviewed the information they collected, they rewrote the grant application and submitted it to the Commissioners for recommendations/changes, etc.

Bruce mentioned a subcommittee worked on this and explained that the application for Garfield County had become cumbersome and they condensed it to relevant material.

Sandy mentioned a summary of services provided was added as well.

Bruce clarified that a review of the services provided has always been a source of thorough review to ensure there was not a duplication of services. He added that the contracts mandate an audit be provided to the County yearly.

Sandy suggested the County's requirements of an audit and all their requirements could be provided on an attachment. 3) Clarification on the role of the recommendation of the grants by the subcommittee.

Bruce asked for clarification for fund distribution. He gave a historical perspective. The Oil Shale Boom Days - revenue sharing was being received by the County. The Commissioners wanted the Human Services Commission to have a process with some who had expertise in this field to come up with a fair and responsible manner in which to award these grants. Over the years, the Commission has evolved into a larger one. Most recently a subcommittee has been formed who are purely ones who do not receive funds from the County who make recommendations to the Commissioners. Bruce asked if this was a process to continue or what did they want to happen?

Chairman Martin mentioned some members of the Commission were offended due to a priority of the Commissioners versus the recommendation on the Commission.

Bruce clarified that the role of the Commission was advisory to the Board of Commissioners.

Chairman Martin mentioned that the Commissioners did not have an opportunity to review the grant application. If the Board can be more involved in the process, then he said they would be happier.

Margaret responded that the Subcommittee did restructure where they were not in conflict with any decisions. She suggested that one of the Commissioners be involved in the review process.

Chairman Martin suggested the Commissioners need to be involved in the process. Fairness was a concern to him. To identify what the Commissioners feel is important is a valuable input. Some kind of say prior to the input to the Board is necessary.

Bruce mentioned the committee was formulated in order to keep each human service agency coming before the Commissioners pleading their concerns and requests for grant funds.

Cheryl Hurst member of the Human Service Commission said that the members would appreciate involvement in the process of review of the grant recommendation.

Child care is a huge need. She applauded the Commissioners for wanting to be involved.

Chairman Martin mentioned that the seniors are a big concern to him.

Debbie Wilde said she welcomed Commissioner input. Participation, interest, and making informed decisions is seeing the big picture.

Ed mentioned the prospect of having an interim meeting with some key members of the Board to discuss the rationale of the priorities.

Bruce said the perception that the allocations received from the County are the percentage each year but this is not true in their budget. 15 years ago his budget was about \$1.5 million and they received \$38,000 from Garfield County. This year their budget is \$4 million and received \$25,000 from the County.

Chairman Martin stated to show success you wean them from the funding mechanism -- they become self-sufficient -- somehow. This can be through success. If you continue to just feed them and they stay stagnant, what is the measure of success.

Bruce said a converse from the government has a responsibility to provide some level of support for basic human services and some things they Commissioners are required to do. A lot of the Human Services Program that receive funds from the State have got to have funding from the Commissioners in order to match -- this is in the Statute.

Margaret mentioned the balances needed to be reviewed as well so that one service is not cut and laid upon another.



Sandy mentioned that as an Agency not mandated by the State or Federal Government, her scenario is that she has 33 funders that she writes grants to and begs for money. Some of the local funders are steady. She needs to raise \$300,000 and \$350,000 from scratch each year. She has to show that the County supports her programs in order to show the need. She asked the process the Board would like the process to go into? It was determined that mid-June should be the time when the Commission meet with the Commissioners to review their priorities and have a workshop.

Sandy mentioned that the trends and issues within the County were going to be looked into.

The Commissioners suggested the application be as simple as possible.

Sandy mentioned the grant applications are due in July. She asked if the Board needed to review these as well.

Chairman Martin agreed they should review these and be prepared for the work session.

Deb Stewart mentioned a one-page review that would summarize their application and would be provided on July 15th.

Commissioner McCown asked if the priorities of the three Commissioners would circumvent the process. The cycle of the applications has already been changed. He suggested the Committee make the recommendation and narrow the requests down. He didn't feel it was fair to sit in on the review committee's application process. He then offered that a suggestion by the Commissioners be submitted and taken back to the Committee to see if this adjustment could be worked out. The changing of the schedule was a major factor and would allow feedback to the Committee.

Bruce Christensen defended the process as it is presently in order to have fairness. If priorities could be defined outside of the review process it would be more helpful.

Debbie Wilde mentioned that looking at trends and needs and the recommendations by the Subcommittee should match the concerns of the Commissioners.

Commissioner McCown like Bruce Christensen stated earlier that the needs to be earlier in the year -- in June it would be just a preface for admitting the application.

Sandy Swanson summarized: 1) the Committee should go back and revisit the trends; 2) collect the grants; 3) the Commission recommendation committee will meet on these; 4) schedule a meeting with the Commissioners to present their recommendations, the trends and at that time asked if the Commissioners wanted to see all the grant requests.

Chairman Martin said they missed the interim step -- the Human Resource Committee is making the decision and recommendations putting them to the Board to approve. This has to be identified as a work in progress.

Sandy Swanson said it would be their work in progress and based on their duties as members of this grant review committee these would be the suggestions they have.

Cheryl Hurst mentioned that the Jail House Rock fund-raiser was a success and she thanked everyone for supporting the effort.

## **DISCUSSION ON PEACH VALLEY ORCHARD AMENDED PLAT, SECOND AMENDED PLAT, SIMON SUBDIVISION EXEMPTION, SIMON SUBDIVISION AMENDED EXEMPTION PLAT**

Don DeFord and Mark Bean were present.

Mark Bean presented a letter dated April 15, 1999 from David Hicks requesting the plat amendments to Peach Valley Orchard Subdivision and Simon Subdivision Exemption Plat be withdrawn. David stated they now own the Simon property. His only request is to have the Chair authorized by the Board to sign the Resolution on the original submittal of a 4 tract split.

Mark mentioned he had received a letter from Attorney Robert Chaffin which he read into the record that stated they will not appear today but if Mr. Hicks does try to have amended plats approved, they need to be notified.

Mark mentioned the exemptions were subject to notification and it was noticed properly.

David Hicks affirmed he wanted to withdraw the amendments. He proposes to sell some of these lots.

Dee Mobley an adjoining property owner commented that she hopes somewhere down the line the Commissioners will redo a process to require notification of the adjacent property owners.

Chairman Martin stated she could request that to the Planning Commission.

Dave Elder, owner of property to the south, said he and his wife and the Homeowners Association had written letters but now that David Hicks has withdrawn he was not against it. They had bad feelings especially about water and traffic. The county road is not safe and is one of their main concerns.

David Hicks stated this was done in 1909 and put in 10 acre lots. Now it is 18 and 199 acres.

Don DeFord stated on the exemption that Mr. Hicks needed to clarified that he was the owner. Commissioner McCown mentioned the Simon's were apprehensive and suggested Mr. Hicks pursue the conservation easement. He also reiterated he would not approve anything on that 199 acres as long as he was a Commissioner. Assurance beyond 20 years was a concern of the neighbors. David Hicks said he cannot change this. He had already deposited funds and now he has no other choice but to split it in 10 acre plots.

Mark requested the Chair be authorized to sign the plat and the Resolution.

Commissioner McCown made a motion that the Chair be authorized to sign a Resolution and the plat regarding the Exemption from Subdivision on the 40 acres parcel as noted in the legal description.

Chairman Martin stepped down as Chair to second the motion; carried.

***Resolution - Rocky Mountain Baptist Church***

Commissioner McCown made a motion and Chairman Martin stepped down as Chair to second that the Chair be authorized to sign a Resolution concerned with the approval of a conditional use permit application for Rocky Mountain Baptist Church; carried.

***Resolution - TRM Corporation***

Commissioner McCown made a motion and Chairman Martin stepped down as Chair to second that the Chair be authorized to sign a Resolution concerned with the approval of a Special Use Permit Application for TRM Corporation; carried.

***Resolution - Spanglers Salvage Yard***

Commissioner McCown made a motion and Chairman Martin stepped down as Chair to second that the Chair be authorized to sign a Resolution concerned with the approval of a Special Use Permit Application for Kenneth Spangler; carried.

***Resolution - Gardner - Zone Map Amendment***

Commissioner McCown made a motion and Chairman Martin stepped down as Chair to second that the Chair be authorized to sign a Resolution concerned with the approval of a zone map amendment for Steven and Karen Gardner; carried.

***Resolution - Gleason***

Commissioner McCown made a motion and Chairman Martin stepped down as Chair to second that the Chair be authorized to sign a Resolution concerned with the approval of a special use permit for Pat Gleason; carried.

***Resolution - Simon***

Commissioner McCown made a motion and Chairman Martin stepped down as Chair to second that the Chair be authorized to sign a Resolution concerned with the approval of an exemption from the Garfield County Subdivision Regulations for Sonia Simon; carried.

***Resolution - Toft***

Commissioner McCown made a motion and Chairman Martin stepped down as Chair to second that the Chair be authorized to sign a Resolution concerned with the approval of a Zone Map Amendment for Porter Toft; carried.

**CONSENT AGENDA**

**APPROVE BILLS**

**SIGN AZEEZ SUBDIVISION EXEMPTION PLAT**

**SIGN MCNULTY SUBDIVISION EXEMPTION PLAT**

**SIGN LOUGH SUBDIVISION PLAT**

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to approve the consent agenda consisting of: approving the claims against Garfield County for the month of ; approval for the Chair to sign the road permit for the Fat Tire Trail Club for their 3rd Annual Glenwood Springs Mountain Bike Race; the Azeez Subdivision Exemption Plat; approval for the Chair to sign the McNulty Subdivision Exemption Plat; and approval for the Chair to sign the Lough Subdivision Plat; carried.

For the record the Lough Subdivision Plat was lacking a signature, therefore the Chair was authorized to sign at a later date and this was so approved in the above motion.

## **FIRE BAN DISCUSSION**

Guy submitted a request and this was rescheduled for May 17th.

## **PUBLIC MEETING: REQUEST FOR VACATION OF PUBLIC RIGHT-OF-WAY, TURK SUBDIVISION, GARFIELD COUNTY. APPLICANT: DARRELL AND DAMON BOND**

Mark Bean, Don DeFord and Damon Bond representing the requester Darrell Bond, his father were present.. Damon said he is attempting to purchase a 2 acre plot and his father wishes to build an accessory dwelling on the other piece. By .7 acres due to this public right-of-way they are short the required four acres. Therefore, this is a request for vacation of public right-of-way by Darrell and Damon Bond. They maintain that the access easement has never been used for public purposes and has historically only provided private access for ingress and egress to two privately owned lots.

A grant of easement and agreement between Damon and Page Bond, Darrell Bond, William and Judy Walker was submitted.

Don reviewed the request to vacate and advised the Commissioners that all the documents were in order. On the grant and agreement, the legal description should be included. There is no verification of ownership from the Walkers and a petition to vacate only comes from the Bonds but it is implied by the documents submitted by the Walkers. Don suggested due to a lack of request of vacation and legal description that the Commissioners set this on the consent agenda for the next board meeting.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to set this on the agenda for approval for May 3, 1999 based upon all the documents being submitted; carried.

### ***Reilly Johnson - Jail***

Inquiry as to any other changes or concerns on his design of the jail facility, Ed and Don indicated they needed to see what he has. Sheriff Dalessandri will be bringing back all the information R/J has tomorrow. Ed and Chairman Martin have set up a meeting for Tuesday to go over these proposed drawings.

## **BOARD OF HEALTH**

A motion was made to go into the Board of Health by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion.

Mary Meisner gave the updates:

### ***Immunizations and Vaccines***

A list is now available of the vaccines and immunizations needed for those traveling abroad to the various areas. Additionally they have ordered a software package to give them updated information as to what is needed in the areas they are traveling.

### ***WIC***

950 clients and the program is running smoothly.

### ***HCP and the Well Child Clinics***

These Clinics are at capacity.

### ***Public Health Week Celebration***

During Public Health Week celebration, there were banners and news articles and each week a different health message was given out.

### ***Upcoming Activities***

Immunizations and the Young Child

### ***Update - Task Forces***

April 7, the Pediatric Access Committee met. The Federal Grant Application was completed and sent in on April 1, 1999. The official designation of the low income population of Glenwood Service area in Garfield County as a medically underserved population was received from the Department of Health and Human Services out of Washington, D.C.

Mary stated they should hear about the grant between May and July.

*Continuing of the Committee*

At the meeting it was looked at if they should continue the Pediatric Access Committee -- yes they should - - issue not totally solved. Referrals from the Public Health but the Medicaid amount does not cover the cost of the care. There are still a few things to work out. The Task Force has been a method to bring the medical group from Rifle all the way to Aspen together. This is the first time a forum was put together.

#### ***Dental Task Force - Kids in Need***

Mary said they met on March 29<sup>th</sup>, with Kids in Need. The dental van will start the time of school in the Fall. Steve Carcaterra is coordinating the dental task force. Adults will be looked at later.

Karen Edge and Mary met and want to set up a satellite station for HIV positive individuals so they can receive dental care. AIDS drugs are living longer but reeking havoc on teeth and gums. Also some support groups will be set up.

Prevention on AIDS - Mary mentioned that businesses where nails, barbers, tattoo parlor, etc. should all be cautious due to the exposure.

Mary said the Colorado Department of Health advises them. People from the outside have been brought in due to the sensitivity. AIDS and HIV is very confidential.

HIV positive cases are counseled to follow through with their responsibility.

#### ***Today with Colorado Northwest Health Document***

Mark submitted a working draft of Colorado Northwest Health Document. She said that Kay McDonald is the director of this and has pulled all the regional data together and should show where the work needs to be done.

#### ***Community Assessment on Care***

On May 4 the Colorado University nursing students will present the Community Assessment on care.

Mary will be in attendance.

#### ***Healthy Beginnings***

Lisa Pavlisick is out of town due to a death in her family. Mary reported they are busy working on the 2nd Annual Mother's Day Music Fund-raiser to be held at the Hotel Colorado.

#### ***Hantavirus Awareness***

Meeting Tuesday - April 27 - Glenwood High School - John Poppy

Commissioner Martin suggested that Mary put this over Community Spots on Radio and TV.

#### ***Projection of Trouble with Tics***

Chairman Martin mentioned this year the conditions are positive for the potential of a heavy population of Tics and he asked Mary to do some training on identification and removal. He also asked her to put these on public information spots over the radio and television. Education is the focus. The mild winter did not kill them.

#### ***Statewide Trauma System***

Mary hasn't been too involved with this but projected that is going to a regional management system. Some of the standards are so high that the new volunteers find it difficult to obtain a license. Some needed to almost be a paramedic.

#### ***Funding of Bio-Terrorism***

Mary projected more funding is coming. She is seeing this at the Federal level at present.

A motion to come out of Board of Health was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion; carried.

### **HUMAN SERVICES COMMISSION**

Margaret Long and Bruce Christensen of Mountain Valley Development were present to give a sketch of services provided by this agency.

#### ***Mountain Valley Development Services***

The mission of the Mountain Valley Development Services is to provide children and adults with developmental disabilities and their families with services and supports which will allow persons with disabilities to live, learn, and work in the most independent and inclusive possible manner.

Definite pluses and major challenges in this area.

Bruce gave a few statistical things: Mountain Valley is one of 20 state-defined programs existing in Colorado under Statute; they service Eagle, Pitkin, Garfield, Lake and Summit Counties; annual budget of up to \$4 million a year and fully staffed about 105 employees. They serve in the major program areas: early intervention under age 3 years and run 80% to 85% in Garfield County. Eagle County is growing; Pitkin and Lake remain about the same with Lake having a small number. Garfield County is somewhat impacted by the business found in Pitkin County with a lot of workers needed their services. Pitkin is generous in support. They serve in the birth to 3 years program between 100 - 125 annually; the family support program which offers cash assistance to families who have a disabled child living in their home they can help with a variety of things that help mitigate the impact of the child in the home and is the least and most popular program because it is friendly and flexible and very little bureaucracy -- there are 85 families annually; the residential program which is the most expensive program has 65 people and all but 12 are in Garfield County. That program is expensive because it is 24 hour a day/365 days per year care. Some have very significant needs that require complete care assistance, etc. They are consistently looking at how to reduce staff needs in that area. One thing they are planning this year is relocating a facilities from Glenwood Springs to Rifle. A lot of employees live in the Silt, Rifle and Parachute area as well as many businesses. They do have the ability to relocate their services to where the work force is so in all likelihood they will close down one of the group homes in Glenwood and build a 6 bedroom house in Rifle this year. They are very supportive of people in own homes. There are 20 vocational; 65-70 annually in their work program working in community jobs like WalMart, VV Hospital, fast food restaurants both here and in Rifle. The Community participation program -- day services for the severely disabled people -- they have 30 enrolled.

As an interest to the Commissioners, the Human Services Commission suggested showing the economic contributions to Garfield County as an employer. The following information was pulled off of their last financial statement to give the Commissioners an idea. Payroll in Garfield County is \$2.2 million and makes them a major employer in the County; major expense items include \$165,000 a year for health insurance through a local insurance agent; (they purchase from their local four-county area with few exceptions such as computers) \$82,000 in groceries in Garfield County; \$40,000 - \$50,000 a year in vehicles from local car dealers; \$24,000 gasoline from a station in Glenwood Springs; \$20,000 to a mechanic here for vehicle maintenance.

The Board is committed to purchasing in the counties they serve. Some of the County's support funds are used as seed money and Mountain Valley is committed to contribute to their communities. Their Board is tremendously committed to purchase locally and being a good neighbor.

The things that they find and continue to find extremely positive helping them do a better job would be No. 1 -- this community is very supportive of their population. Support is not in money but the ability to take the folks they work with out to community activities and have them treated just like the rest of us -- this makes our communities good places to be. The communities have helped to build buildings as well.

The Challenges: Growth and a good economy -- Bruce said they are facing absolutely critical staff shortages even to the point of being concerned about maintaining health and safety for people; they are upping the starting salaries at \$9.00 and still can not hire an applicant. They are generally running 10 FTE at all times. They are paying people 1 - 1/2 times plus \$100 bonus to work an overnight shift -- cost is \$300 a night and they receive \$50.00 a night to provide care. Other challenges are with limitation to medical and dental care. Biggest problem -- access to crisis mental health services. In Garfield County there are 7 - 8 mentally ill as well as developmentally disabled clients and periodically these folks go into some sort of mental health crisis and the resources are not there for treatment. A better job of coordinating and having access to mental health services (in-patient treatment access) is a real need for this area. Bruce is exploring the potential of service provided by the local hospitals for mental health beds for in-patient treatment.

Services in Vail -- This includes the Leadville area. Most of those coming out of school in Leadville are placed in the residential home in Vail. They purchased a deed restricted house in Vail and it cost less than they have been paying in Glenwood Springs.

The Enterprises - these are businesses where Mountain Valley employs their own people. The Greenhouse generally does well and there are 12 people and mostly these individuals have behaviors that would prevent them from working somewhere in the Community. The Weaving Store has been from the program side the greatest thing they've ever done. There has been tons of national recognition for this. They did something for the Pope and now Governor's wife. Things are included in say Connecticut in a magazine about this weaving program. The business side -- there are a few folks retired that work with the Aspen Foundation

as consultants working for free in bookkeeping books for a retail store. The store provides jobs for 11 people with good incomes and it will provide some excess revenue to be used for furniture or vehicles in some other programs. Bruce felt they were 3 - 4 years away from that point. They have been operating under a loss. They were able to pay cash for the buildings both purchased and built. They own most of their real estate.

Transportation -- They provide transportation to Rifle with vans twice daily. RFTA in Glenwood is a tremendous asset. The Traveler works for specialized kinds of things. Most of what they do is provided by the individual group homes that have a vehicle.

On duplication of services -- Bruce said that in family support and early intervention there are some crossovers. The residential group homes with 65 clients would be duplicated in the vocational side. Last year they served 263 unduplicated.

Testing of infants - in and out.

*Carbondale Group Home -- Public Health Nursing*

The clients that are aging is a big concern. There was a group home in Carbondale that was wheel chair accessible and they are switching it over to senior services.

They are working with Carbondale with the cabin they own that is to be remodeled for Public Health Nursing. They won't give title to the property but it will be rented to the County for \$1 a year. The benefit of having the County nurses on site in case of an emergency is a nice exchange. He pinpointed the fact that all human service agencies need to develop interdependence with each other and the County.

*Future*

Bruce said he didn't see any major changes identified. There are a number of people identified that are coming through the schools within the next 2 - 5 years. The State funding has been capped. There is no waiting list for their day people and have always admitted people whether there is funding or not -- if a program is funded for 20 and there are 25 folks it doesn't make sense not to serve those other 5. In the residential this can't be done as well because once someone is moved into the residential program it does cost and there is a waiting list. There are a lot of aging parents in Garfield County that have people that live at home with them and they are not going to be able to provide that forever. The State has not been real cooperative for these kinds of issues, but there has not been any major problems over the years. There are a few deaths every year creating vacancies as well. People with developmental disabilities have in history lived this long. Most people with developmental disabilities have historically died in their 40's. There is one lady 85 years old and the elderly usually incur tremendous expenses for the program.

Services For Children

Margaret Long added that services for age 3 and up, the continuum of care for these individuals gets chopped up in the process. The Community Center Boards provide some the early intervention and valuable family support service but the Public School systems enters in at age 3 and that's been a mixed bag in terms of service delivery.

Social Services gets some that the schools cannot handle nor the families continue to care for in the home. This becomes a long term fixed cost for the foster home placements. In this era of capped allocation for children, the child area for residential placement is a problem.

Bruce said at the State level they have merged all these divisions under the same departments and what needs to happen is a decision that either your responsibility truly does end at age 18 and then DD services kick in. There has been an entitlement for that group but it doesn't begin until age 21 rather than at age 18. This is the only group of people with an assured slot in Mountain Valley system -- those in foster care -- they fall into Social Services until they turn age 21. This needs to be resolved and it creates a gap and is a big problem for both Mountain Valley and Social Services. This is expensive needs. Bruce said rates for an adult in residential run about \$50 a day -- \$20,000 a year to about \$35,000 a year and this is what the State funds for that service and then there's about another \$7,000 per day program. This mean \$40,000 - \$45,000 a year -- this is mostly Medicaid and the State pays 1/2 of that. There is some motivation to stick County departments with this care for three extra years if at all possible. This shows interrelating services and not duplication.

Margaret added that anytime you have clients with several problems, i.e.. mental health services, may not only be ADD but Mental Health issues and it requires a sorting through as to who will be responsible.

Mental Health Issues

Bruce and Margaret's clients with needs -- Bruce said they ask the State but there is no help and say this is already funded and do not provide help to do these things. Public Schools are guilty as well.

Medicaid and Mental Health

Margaret said she will bring this up later and looking at how to get more mental health services delivered to the clients in managed care.

Bruce mentioned he appreciates the opportunity to come before the Board and keep them informed and not just asking for money. They consider their job to get services to people.

### **BOARD OF SOCIAL SERVICES**

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to go into Social Services; carried.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to come out of Social Services; carried.

### ***Jail Design***

Don DeFord reported that the Sheriff will not be back until late Tuesday. There have been substantial revisions been made in the jail design -- the Clamshell design is out.

### ***County Road 109***

Bob Szrot talked to the low bidder on CR 109 and will wait until the May 4th meeting to present this.

### ***Recess***

A motion was made to recess until 9:00 A.M. Tuesday, April 20, 1999 by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion; carried.

Attest:

Chairman of the Board

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**APRIL 20, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The continued meeting of the Board of County Commissioners began at 9:00 A.M. on Tuesday, April 20, 1999 with Chairman John Martin and Commissioner Larry McCown present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

Chairman Martin stated that Commissioner Stowe was still absent due to a death in his family and would be returning on Thursday.

**PUBLIC HEARING: (1) REVIEW APPLICATION FOR PLANNED UNIT DEVELOPMENT ZONE DISTRICT TEXT AND PLANNED UNIT DEVELOPMENT AMENDMENTS FOR THE ROSE RANCH PLANNED UNIT DEVELOPMENT, AND (2) PRELIMINARY PLAN SUBDIVISION REVIEW**

Ed Green, Don DeFord, Victoria Giannola, Tim Thulson and Sally Vagneur.

Don determined that notification and publication was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin accepted the letter of April 16, 1999.

Victoria Giannola submitted a letter of Request for reschedule for the Board of County Commissioners Hearing upon the Application of Roaring Fork Investments, LLC for combined Preliminary Plan and PUD Amendment. The applicant requested a date set for May 4, 1999.

Victoria submitted the following Exhibits: Exhibit A - Notification and Exhibit B - Letter dated April 16, 1999 to continue.

Chairman Martin admitted the Exhibits A & B.

Tim Thulson stated the extension was a joint agreement as they wanted to supplement the application with a few issues. The extension will put them beyond the limits and the applicant is willing to consent this. Don DeFord requested a decision by May 6, 1999 in order to render a decision and have all the paper work in order.

Commissioner McCown made a motion to continue until May 4, 1999 at 1:30 P.M. Chairman Martin stepped down from the Chair to second the motion; carried.

***House Bill 1363 - Letter of Support - Jack Taylor - Telecommunication Bill***

Chairman Martin requested to have a letter of support to the Telecommunication Board for House Bill 1363.

Commissioner McCown wanted to read the bill prior to signing a letter of support.

Chairman Martin agreed to postpone this until the next regular meeting.

***Executive Session - Financial and Personnel Issues - Sheriff's Department - Jail Issues***

Commissioner McCown moved and Chairman Martin stepped down as Chair to second the motion to go into an Executive Session; carried.

Commissioner McCown moved to come out of Executive Session and recess until Friday, April 23, 1999.

Chairman Martin stepped down as Chair and seconded the motion; carried.

Recess

Attest:

Chairman of the Board

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APRIL 23 , 1999

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS

GARFIELD COUNTY, COLORADO

The CONTINUED meeting of the Board of County Commissioners began at 8:00 A.M. on Friday, April 23, 1999, with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green, County Engineer Bob Szrot, County Attorney Don DeFord, and Clerk & Recorder Mildred Alsdorf.

**DISCUSSION - RFRHA**

The meeting was continued from April 19th to discuss RFRHA and to go over documents.

Items included in the discussion included the conservation easement, crossings and access points on the corridor, Aspen Valley Land Trust as the controlled funded group, no new at grade rail crossings being allowed, and conservation/trail.

***Executive Session - RFRHA Litigation***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to receive legal advice; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

***Adjourn***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn until May 3, 1999; carried.

Attest:

Chairman of the Board

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**APRIL 26, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The continued meeting of the Board of County Commissioners began at 9:00 A.M. on Monday, April 26, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

***Sympathy Cards to Employees -- Loss of Family Members***

Lisa Pavlisick and King Lloyd both lost their grandfathers. Cards are being sent around for staff to sign.

***Citizens Bank Building - State Historical Society***

Chairman Martin mentioned the Citizens Bank Building is being considered for historical uses.

***Additional Office Space - Courts***

Chairman Martin directed staff to look into the building being built across the street by Ray Stanick for the possible expansion for the courts - alcohol evaluation and probation. This included both lease possibilities and purchase options.

***Grand Junction - Rodeo - Parachute***

Chairman Martin shared a letter from Grand Junction stating the Parachute Rodeo was the best in the State.

***Senior Housing Options***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Senior Housing Options pass through. Motion carried.

**PUBLIC HEARING: SPRING VALLEY SANITATION DISTRICT SERVICE PLAN  
AMENDMENT**

Don DeFord, Mark Bean, Bob Szrot, Attorney Lee Leavenworth for Spring Valley Sanitation District, Dean Gordon Schmueser Gordon Meyer, Attorney Larry Green, Greg Boeker, Terry Embank; Louis Meyer, and Ron Liston, Wright Water Engineering were present.

Don determined that there were multiple notifications for this hearing. Don stated that all required notices met the statutory requirements; all others were in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Attorney Leavenworth presented the affidavits for the record.

Mark Bean presented the following Exhibits for the record: Exhibit A - Proof of Publications; Exhibit B1 - Returned Receipts; Exhibit B2- Fax Notice to Local Affairs; Exhibit C - All notices and proof of mailing by the Spring Valley Sanitation District; Exhibit D - Amended Service Plan to the Spring Valley Sanitation District; Exhibit E - a supplemental under cover letter dated 3/11/99 of Leavenworth and Tester; Exhibit F - a memo from County Engineer Bob Szrot dated 3/17/99

Exhibit G - a memo from Bob Szrot dated 2/22/99; Exhibit H - a letter from the Colorado Dept. of Public Health to Dean Gordon dated 2/4/99 regarding the Preliminary Effluent Limits;

Exhibit I - a letter from Leavenworth and Tester with a number of attachments -- a supplemental to the application dated 3/16/99; Exhibit J - memo from Bob Szrot dated 3/18/99; Exhibit K - letter from Blake Jordan of Sherman & Howard L.L.C.; Exhibit I- a copy of page 10 of 208 Water Quality Plan page 11; Exhibit M - copy of fax presented to Board last week from Greg Hall of Lee Leavenworth from Wright Waters dated 4/22/99; and Exhibit N - Fax copy of letter from David Meahon dated 4/23/99.

Chairman Martin entered the Exhibits A - N into the record.

Mark summarized the project information and staff comments that included:

The Spring Valley Sanitation District is proposing to amend the existing district boundaries established in July 10 1979, to address regional wastewater treatment needs. The existing district boundaries include

1787 acres of land that is made up of portions of the Los Amigos Ranch PUD, CMC Campus, Auburn Ridge and Pinion Pines apartments. The proposed district would add 10,726 acres of land that is made up of other portions of the Los Amigos Ranch PUD, Spring Valley Ranch PUD, Lake Springs Ranch PUD, the Kendall Ranch and other lands. The entire district would be 12,513 acres in size, if the amended service plan is approved.

The estimated cost of the construction of the new plant and associated infrastructure originally was \$5,100,000, but after further analysis has been reduced to \$4,100,000. The 20 year operating and maintenance costs are estimated at \$1,800,000. Several property owners in the District Service Area will make capital cost contributions to fund construction of the plant and related infrastructure. Additional funding may come from credit enhanced revenue bonds or a low-interest revenue-based loan from the Colorado Water Resources and Power Development Authority. Tap fees and service charges will be used to repay construction obligations and annual operation and maintenance of the facility.

#### Recommendation

The Planning Commission reviewed the application and recommended approval of the proposed service plan amendment with the following conditions of approval:

That the District add the language to the service plan recommended by Blake Jordan, Sherman and Howard L. L. C., in his February 23, 1999 letter.

Staff does not support the approval of the proposed service plan amendments based upon the lack of satisfactory evidence that the district can provide economical and sufficient service without knowing that they can design a plant in the Spring Valley area that can meet standards and that there is the possibility that service could be provided by the Roaring Fork Water and Sanitation District if the worst case scenario is not used. The following are the criteria that could be used as a basis for not approving the proposed service plan amendment:

The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries.

Adequate service is not, or will not be, available to the area through the County or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis.

Attorney Lee Leavenworth and Greg Boeker, president of the District presented the applicant's side stating that since October of 1997 there has been 24 meetings consisting of 3 hours and a lot on input from those within the District. Expansion actually began back in 1974. A lot of effort was made for this site plan. \$120,000 was spent as a District for studies and technical analysis. These are in addition to meetings with attorneys who have met separately to give issues for this Board to decide. This is a very good amended service plan. The Board has been concerned with the current users -- the decision have not always pleased everyone - strong coalition and are willing to provide sever service to the Spring Valley Service District. Proposing to service the entire Spring Valley area. They have committed to provide one plant. They have the site and the ability of increasing from 550,000 gallons to 1.5 million. The efficiency of the system included numerous studies when Aspen Glen concluded it should not serve Spring Valley. The Board did not have a desire to become the regional district but the logic of becoming the regional provider has ended up with them before this Board with the request to become that regional district. The applicant requested the Board to approve.

Lee Leavenworth provided the history of Spring Valley Sanitation District starting in 1979 and then in 1995 CMC looked at whether or not they should go to the Roaring Fork Sewer District.

Dean Gordon spoke on these issues from an engineering perspective commenting that multiple plants had been investigated. The preferred alternative was to build a tertiary system at present site and provide service. The existing site is the best. No neighbors; no visual contact, access, power, long term lease, existing site and unlimited flexibility in terms of capabilities and flexibility. A comparison was made with the Roaring Fork Sanitation District saying that no one has shown that this is a cost effective solution; no one wants it there. From a potential for re-water use, the RFSD it is not the preferred alternative. Lee Leavenworth continued to justify the cost and why Spring Valley Plant is the better. He added that there are no legal means to force the Roaring Fork Sanitation District to allow the use of their plant therefore the issue still leave the users in Spring Valley without expansion services.

Michael Orion of Wright Waters submitted Exhibit O - Letter of Response dated 3/24/99.

Chairman Martin entered Exhibit O into the record.

Additional discussion enthused and Lee Leavenworth presented rebuttal.

*Cindy Crandall* - Colorado Board of Animal Rescue, commented that they have requested a tap at the Sanitation District and no concrete answer has been received. This confirmation is needed in order to go forward in building the animal shelter at CMC. They are a lessee on CMC's property.

*Ann Castle* - owner of Spring Valley Ranch - Aspen Ranch Inc. mentioned her client is an enthusiastic participant in this expanded plant. She suggested that the Board of County Commissioners review the service plan to determine if this district should provide service to this area and let the health department make other decisions relative to their operation.

*Larry Green* - Attorney for Roaring Fork Sanitation District, told why it is not interested in providing service for Spring Valley. He gave the history of the RFSD that was formerly the Aspen Glen Sanitation District that was court approved in 1998. In the organization of the RFSD the treatment facility, they would be a regional service provider for some regions and a study was performed in 1993 to identify that region. Spring Valley was looked at and he said, for a number of reasons, one of which was economics, a decision was made to not include the Spring Valley area into the RFSD. His law firm prepared a Service Plan for RFSD: 1) primary service area and 2) expanded service area. Public hearings were held for this service plan that included those neighboring properties owned by Jim Rose, UNOCAL, Coryell and Sanders. A decision was reached that it was unlikely that 320,000 gal per day would be enough for service; therefore an expansion was proposed to 600,000 gals per day. It was on that basis that the county approved the expansion. Aspen Glen has conveyed a 6 acre parcel to the district that is designed to accommodate the additional increase to 600,000. He added that the first phase has been constructed and is functional. He projected that very soon they will be prepared to submit a next phase. The Sanitation Board is comprised of residents of Aspen Glen PUD. These folks are trying to design and operate a plant and district and could support a 600,000 gals per day facility. In that context, this Sanitation Board was asked in the Fall of '98 if they would be willing to be the sewer provider to Spring Valley for up to 1.5 million gallons per day - those requests blew their minds. This was the response sent to the Spring Valley District and that decision is the same today.

*James New* - Beattie and Chadwick for CMC, said they lease the land where the Spring Valley Waste Water Treatment Plant is located and they support the expansion. The need is eminent. The college has been involved and is positive there is no better alternative with regard to cost efficiency. In 1994 the decision to expand was made including other parties who worked 18 - 20 months to develop the plan. He added that his firm supports the district as much as can and are backing the amended service plan.

*Hayden Rader* - commented that this expansion is needed in the Spring Valley

*Terry Eubank* - Member of the Sanitation District commented that people have paid for a reservation. They can get into a lot of problems where lawsuits would develop. This expansion would alleviate a lot of problems. He therefore encouraged the Commissioners to approve the request.

*Commissioner McCown* asked about the Health Department Standards of this expansion being placed on the aquifer.

*Lee Leavenworth* explained the process through the Board of Health saying the District will have to meet the requirements from the Department of Health. Additionally, he added that it is still much more cost effective to go with their own system. They will meet whatever the requirement.

*Don DeFord* stated that currently they only provide a tertiary treatment plant and any future phases would require them to come back to this Board.

*Lee Leavenworth* agreed. He added that the comprehensive plan allows this density and based on a reasonable level of development it would be a level of 550,000 gpd including additional users. They can go to their 1.5 gpd but they do not anticipate it in the very near future.

*Chairman Martin* said he would like to see the service plan show the 550,000 gpd.

*Lee Leavenworth* assured the Commissioners that the statute says they have to say that.

*Commissioner Stowe* - asked about the capacity.

*Dean Gordon* - Phase I is 550,000 gpd but will look at a site that would allow up to 1.5 million gpd.

*Chairman Martin* - asked about those areas that are left out such as below Spring Valley area.

*Commissioner McCown* stated those areas are in the service area of the Roaring Fork Service District and when they ask, they would provide them service.

*Chairman Martin* didn't think the mobile home community was being serviced and asked if they can afford to come in.

*Lee Leavenworth* said the tap fees would be incredibly high if they piped

*Commissioner McCown* moved to close the Public Hearing. *Commissioner Stowe* seconded; motion carried.

Motion

Commissioner Stowe made a motion approve the Spring Valley Sanitation District Service Plan Amendment with condition by the Planning Commission - Number 1) adding the language Blake Jordan included in his letter dated 3/23/99.

Commissioner McCown seconded the motion.

Chairman Martin stated he had issues regarding the Colorado Office of the Department of Health and concerns of not reclassifying Landis Creek. He was not in agreement with Exhibit M and needed additional information.

Commissioner McCown commented that it all stems back with the ongoing process with the Department Of Health and agreed it is a chicken and egg scenario; this begins the process. Now the Colorado DOH must follow through with the applicant.

Vote on the Motion:

Commissioner McCown - aye; Stowe - aye. Martin - nay

***Resolution - Crime Victims Rights Week***

Commissioner McCown moved and Commissioner Stowe seconded to authorize the Chair to sign the Resolution designating Crime Victims Rights Week; carried.

***Royalty Interest - Change in Ownership - Decimal - Barrett Resources***

Commissioner McCown moved to approve; Commissioner Stowe seconded. Motion carried. Motion -

***Meeting with the City of Glenwood Springs - Work Session - Parking Concerns***

Don DeFord cautioned the Board of making a decision tonight regarding the pressure to complete the 8th Street Project at the 6 P.M. Workshop with the City. He has the copy of the filing of the motion and opposition filed. Don needs to review it.

Commissioner Stowe mentioned that he agreed in principal but tonight the meeting would focus on the identification of the issues.

Discussion continued as to whether or not the meeting tonight, April 26 and the meeting scheduled for Wednesday, April 28 would be a time of decision making.

Commissioner McCown mentioned that he did not want any obligation for a parking structure in the City's MOC site.

Don assured the Commissioners that tonight's meeting was properly advertised as a Workshop/Discussion and requested the Commissioners not to continue the meeting but to adjourn until Monday.

Commissioner Stowe so moved; Commissioner McCown seconded. Motion carried.

Attest:

Chairman of the Board

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**APRIL 28, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The Special meeting of the Board of County Commissioners began at 6:05 A.M. on Wednesday, April 28, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Martin called the meeting to order at 6:05 P.M.

**JAIL**

This meeting and discussion was held prior to the Joint Town Meeting with the City Council of Glenwood Springs held at Bolitho Elementary School.

***Medical Services for the Sheriff's Department***

Don stated that one of the things that the Board needs to do tonight is have the Chair authorized to sign agreements to provide medical services to the Sheriff's Department. The provider of medical services just gave notice to the Sheriff yesterday that he was terminating the terms of the contract effective April 30. The primary reason given was the company was near bankruptcy. Technically this doesn't comply with the terms of the contract, but Don said he appreciated the notice given in order that a new contact could be implemented.

At Don's request, the Sheriff's department contacted the physicians providing services through the contract -- Dr. Eicher and the nurses to see if they would be willing to contract with the County. What is needed is authorization for the Chair to sign 30 day renewable agreements with the physician Dr. Eicher and the four nurses. This would be 30 day renewable for a period of one year.

Dr. Eicher is paid \$1150 per month; the nurses are being paid by the hour.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the agreements with Dr. Eicher and four nurses to provide medical and nursing services for the next 30 days; carried.

***Changes to the IGA with the City of Glenwood Springs -- Jail -- Government Complex***

Mark Bean and Don DeFord were present.

Don presented the latest draft in the form of a Memorandum of Understanding -- preliminary to an Intergovernmental Agreement.

Don inquired if the Board had seen the site plan from Reilly/Johnson as well.

Don reviewed the Agreement in-depth with the Board, paragraph by paragraph stating the various sections he and Teresa Williams worked on jointly, dealing with lease versus purchase, utility placements, expansion potentials -- Don said he had to protect the County's ability to mitigate that issue or any applicability -- they agreed on language saying "as those regulations pertain to the applicable -- this would give the County the right to contest their applicability.

The City wanted the County's design consists of what the architecture plans just as we would for their City Hall to be so that's why Don put in "City Hall/County Detention and Common Areas." The only issue that the City and County agree in that openness is the clock tower that is in the plans. But this language says compatible and Don's interpretation means that it doesn't literally have to comply but the City may think this could be an issue.

Don said that the City mentioned that Mayor Sam Skramstad has been authorized to sign this Memorandum of Understanding -- Preliminary Agreement once the Commissioners agree with the changes.

***Adverse Changes Requested by the City***

Paragraph 2B -- The City requested of the term of the lease by \$1 -- Don mentioned this was what he perceived to be the agreement -- a long term lease and no transfer of the property.

Commissioner McCown said that as it is the City and County are agreeing on a tit for tat lease on the street for the buildable property on the UPL.

13,000 square feet is what the County is committed to according to Don and would be the building footprint.

Don clarified this is not a lease nor a transfer of property.

Don mentioned he and Teresa discussed the grade separation as Mayor Skramstad had stated the City intended to do a grade separation; and a tunnel to the by-pass in the same place has been considered as well.

One of the changes Don said he did not make but was suggested by Marc was 2C -- Marc wants to provide that "under no circumstances can the County extend expansions into the common areas."

Commissioner Stowe and Chairman Martin agreed they had discussed this. This limits the County's possibilities of expansion if this is agreed upon.

Don clarified there was no problem in this extending north into the parking lot however.

The second one requested was in paragraph 3C -- the City wanted to change the language to "shall be the first facility constructed on the site" to 'may be' the first facility. The problem would be if they deny the County's Special Use Permit, they could proceed with City Hall. Don did not make the change.

Marc Adler also wanted at some point, if the County decided not to do anything with the UPL site for some reason, that they would have the first right of refusal should the County decide to sell the UPL parcel. Don said this was an option agreement and it takes some time to work this out -- the terms, etc. need to be specified -- therefore he did not put this in either.

With the changes the Board wants and/or any alterations, Don was told that this should be signed tonight.

Don outlined the process -- if we try to get some commitment from the City right now as to where we stand in terms of the approval of the UPL building, then there will be litigation from the attorney's across the street -- Worrell and Durrett -- over the fact that they were predisposed for their decision that has to be made in a public hearing -- they have already threatened the City and the County with that.

The design of the jail, if it is the only building on the UPL site, would be the same triangular single story facility formerly in the proposed plan. This does provide for expansion of the facility.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the most recent draft as discussed for signature by the Chair. Martin - aye; Stowe - aye; McCown - aye.

The Board of County Commissioners joined the Planning Commission for a joint workshop. This was not a formal meeting.

Afterward, the Board of County Commissioners joined the City Council of Glenwood Springs at the elementary school -- Bolitho -- for a town meeting to answer questions and concerns of the residents of the city.

Attest:

Chairman of the Board

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**MAY 3, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 3, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**COUNTY ATTORNEY'S UPDATE**

Don DeFord gave his report as follows:

***The Pre-Annexation/Infrastructure/Zoning and Subdivision Agreement -- City of Rifle and Airport Land Partners Limited -- and Garfield County***

The draft was given to the Board for review.

Commissioner Stowe inquired as to tap fees and use of current ISDS systems.

***Property Acquisition***

Don has not received the title work listing the mineral rights. As soon as he does, Bob Howard and Don can explore the acquisition further.

***CTSI Letter - Regarding CAPP Coverage - Joint Land Use - Governmental Complex***

The letter was in response to the questions presented by Don in his letter of April 28, 1999 and basically stated that the City of Glenwood Springs should be required to obtain insurance coverage for the risk it presents in the utilization of the governmental complex.

**COUNTY ADMINISTRATOR'S UPDATE**

Ed Green gave his report that consisted of the following:

***C-DOT Rodeo***

Ed said this was at the Airport this week with their equipment operators. In exchange they do some stripping at the Airport and replacement for our snowplows.

***ASMI Test Flights***

Test Flights were completed. The first draft of the LSD drafts are ready. Some tweaking will need to be done. This should be operational the first week of July.

***JPS Consultants***

This team has been hired by C-DOT and will be at the Airport this week.

***Meeting with Reilly/Johnson***

Dale, Tom and Ed will meet on Friday, May 7th with Reilly/Johnson regarding budget, schedule, specifications, subs, Planning & Zoning and the contract. Additional subjects to be discussed include alarms, kitchens and to develop a procurement system. Identifying and contractual arrangements are also on the agenda.

***Board Room Audio System***

Mildred gave the report. She mentioned that Ed Ware of Audio Engineering and Roland Kinsley of Electronic Devices, Inc. presented their bids, specifications, plans and bids proposals before the staff on Wednesday, April 28. The Sony recording system would be the same.

After staff completed discussing the two proposals, a consensus was to proceed to request approval of the Commissioners for the Audio Engineering Plans and bid of \$12,201.00.

Electronic Devices and Activated Air Audio Engineering difference bids: Electronic Devices - \$9515.14; Audio Air Engineering - \$12,201.00 -- installation is included. There is a warranty between one to three years on both systems.



Ed mentioned Air Audio has an 8 microphone system including a lapel microphone, a bigger amplifier, and twice as many speakers for the difference in price.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the bid from Air Audio Sound and Equipment for \$12,201.00. Time frame was 2 weeks for installation.

Motion carried.

### ***Board Room Furniture***

Chuck Brenner and Chuck Slattery of Brenner Har Architects presented some proposed architectural drawings showing either marble, suede or leather inlaid writing surface in the custom furniture.

The designs that were shown to the Board were explained in detail. This is being designed to be moved at any point in the room.

Ed Green mentioned the new audio system would be able to be moved as well.

Chuck mentioned this was a first class system.

Bill Slattery said there will be five Commissioner's desks; raised portions for name plate insertions; combination of walnut and red oak with either a marble inlay, suede, or leather.

An area for communications/recording and press tables was also included in the complete price as well as the presentation table and side tables. Bill added that this cost was without finishing. The price was projected as \$44,289.00 included 7 desks and two triangle side tables with marble.

Commissioner Stowe said he likes the layout but is concerned about moving the furniture and the use of the other two meeting rooms. He considered that the furniture would be difficult to move.

The Board explored some of the alternatives to cut costs that included: eliminate marble, remove the walnut wood, and eliminate some of the design work.

Commissioner Stowe requested a new bid that incorporated the savings with the suggestions they made.

A furniture finisher - Aspen Boutiques was mentioned. Bill stated he would obtain a complete bid.

The walnut was suggested to be retained when they redo the drawing.

Bill uses the cutout stick system and can demonstrate exactly how this will look.

Bill will have the revisions by next Monday.

### ***Accounting System Crash***

Ed mentioned the accounting system crashed last week but they were able to bring it back up. The cut over to the new system will be during the month of May.

### ***Computer System Assessment***

Allen Sartin gave this update.

Allen presented a handout and explained the process. This includes all the training needed for each department. Only six firms have bid for the assessment portion.

Allen submitted a recommendation of how he suggested to proceed.

A local firm -- Micro Solution submitted an 8.330% fee and a possible contingency for \$15,000 -- this is covered by the budget. Allen requested approval of the board to proceed.

Commissioner McCown made a motion to approve the suggested firm as stated with the prices quoted by Allen Sartin. Commissioner Stowe seconded. Motion carried.

### ***Pass Through - Battlement Mesa Senior Assisted Living***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe, to approve the pass through of \$7136.00 as a wire transfer for the Battlement Senior Assisted Living Project.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the pass through for the Battlement Mesa Senior Assisted Living Center; carried.

### ***Cattle Creek Gravel Pit Lease***

Ed is preparing a response to this the lease renewal submitted by M&M Construction. He said they have been storing some of their equipment at this location, but we may need this land to store Road and Bridge equipment for a staging on the proposed jail construction, so Ed recommended writing them a notification letter that the lease would not be renewed.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to not renew the lease; carried.

### ***Employee of the Month - Steven Marney***

Larry White and Steven Marney were present. Steven was the named the Employee of the Month. Larry stated that Steven fills in as the Assistant Foreman for the Glenwood Springs shop; he handles irate citizens very well and is diverse in his operation of equipment. Mildred explained that the parking permit can be auctioned since his office is not located at the Courthouse and Steve will receive the proceeds.

#### ***Executive Session - Litigation Issues and Property Acquisition***

Don requested an Executive Session with the Board.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss litigation and property acquisition issues; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

#### ***Public Relations Consultant -- RFRHA -- Impacts to the County***

A letter from Judith A. Stowell of JAS Com was submitted for the Commissioners to review and discuss. Ed said this firm implements a tailor-made communications program designed to help in crisis communications.

The Board had voiced a concern in letting the citizens know their objections to the light rail in Garfield County was purely based on the cost to taxpayers as well as the appropriate use of land.

#### **OFFICE SPACE DISCUSSION**

Don DeFord, Ed Green and Roy Staknik, one of the partners, were present.

Ed presented the Court House Plaza lease/purchase options on 8th Street owned by Roy Staknik.

Construction date is slated for June 1, 1999 and the available date for occupancy is February 1, 2000.

The several options, including lease and/or purchase were available and discussed in detail.

Ed Green shared his concerns with the potential space that included: cost, parking under the building -- security, facility and equipment priorities.

Roy Staknik mentioned the five years was a banking issue and could be negotiated. Parking could be secured.

Ed commented that additional space is being looked into for the Probation Department expansion in Rifle.

#### ***Capital Needs Review***

Allen Sartin presented a major capital needs review showing the budget plan, current requests, option 1, 2, and 3, said they tried to show the current budget plan. He submitted a list of the priorities that have been identified to date as: relocation of the road and bridge main office; purchase land in the Rifle Area; replace the Taughenbaugh Building and Administrative Offices.

He mentioned they can only do two new projects in addition to the jail.

Commissioner McCown mentioned that if we are going to invest \$200,000 plus - the County should invest in it's own building.

Direction was given to Ed Green to look at the figures of combining facilities for probation, courts, and administrative offices at the Rifle location and bring back to the Board.

#### **PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Jeri Somora and Bea Summers came before the Commissioners regarding an overage of animals per acre of property that concerned them as far as the potential for diseases and health hazards.

They mentioned that there were 35 horses on less than 5 acres of land.

Jeri Somora explained that the ditch going through the property where the horses obtained their drinking water was "slug".

Additionally they submitted photographs that illustrated how the manure had been piled up for 6 - 7 years attracting flies. They submitted a video for the Commissioners to view.

The Commissioners stated this matter will be directed to Mary Meisner of Public Health.

#### ***Recess***

#### **1999 ROAD AND BRIDGE PROJECTS**

Ed Green, Don DeFord, Mark Bean and King Lloyd were present.

King presented a handout that provided information on all the projects. He stated the wish list is more than what moneys are available to complete the entire list.

All lists were compiled by road districts and different categories - reconstruction, seal coat, gravel, rail projects, etc. All projects are prioritized as to the way they appear on the sheet. King added that his foreman had input as well as public comments. In order to accomplish all the projects they will be short \$573,000. This created the need to prioritize to get as close to a balanced list. Reconstruction and graveling of \* (starred) projects will have to be delayed in order to come closer to the budget.

### ***Guardrail***

These are primarily projects that have come in from public input where they feel the need is to have guardrail. CR 114 is Road and Bridge staff's idea. This would replace the post and cables. CR 291 is out of necessity to go in conjunction with the fills contained in the project.

### ***Maps of Various Categories - versus Road Tours***

King explained since Road Tours have been eliminated, the maps would be used to identify the projects.

#### ***Timber Process and County Roads***

King mentioned the Special Use Permitting Process requires the Timber Company to complete a 2" overlay to the roads.

#### ***Cooperation with Rose Ranch on CR 109***

King suggested a method to take care of Teller Springs Road was to develop a cooperative effort with Rose Ranch.

#### ***CR 103***

Commissioner Stowe mentioned he had petitions from some of the homeowners who are willing to grant an easement for road repairs.

It was suggested to have a meeting with all the property owners to show the proposed improvements and attempt to gain support for it.

Bob Szrot and King Lloyd were directed to get together and investigate the situation.

### ***Rotomil - C-DOT***

The Commissioners suggested to try and obtain the Rotomil from C-DOT from work being currently ongoing between Dotsero and Eagle.

King said he would ask.

### ***CR 117***

King updated the Board regarding a conversation he had with Dr. Zilm concerning deadman's curve on CR 117 saying the County had planned to put in some steel cribbing. The rock cribs have moved about 4 - 5 feet and some work needs to be done on the irrigation system. Dr. Zilm has offered to co-op with the County to do something about this situation. At Bershenyi's curve, the ski traffic presents a problem. If the County wants to widen it, the Zilms will donate the property.

### ***Response from Mesa County - Joint Maintenance***

King proposed the next step regarding maintenance. Mesa County may be able to do the Fall work. He proposed to show in detail the number of miles and hours spent in a cooperative effort on roads with Mesa County.

Commissioner McCown mentioned Commissioner Davis of Rio Blanco may be able to work cooperatively with Garfield County on the backside of Baxter Pass for mowing.

### ***CR 260***

Commissioner McCown was concerned about the cutback in gravel. He referenced the lower end of CR 260. The rain has caused deep mud and is a big concern.

King projected there may some money left over from the CR 109 project that can be applied to the graveling projects.

A decision was made by the Board that any savings on the road and bridge projects will be put back into gravel projects.

### ***Schedules for Projects - Districts***

King explained that the software was very detailed and a new format has been developed.

## **SESSION II - Y2K**

Ed Green, Guy Meyer, and Rob Hykys were present.

Guy submitted an article from *Dispatch Monthly* entitled "Finding the Y2K Truth was the Toughest Senate Task."

The integrated emergency management system consists of: Hazard Identification; Hazard Analysis; Capability Assessment; Identification of Shortfalls and Gaps; and Development of Plans.

Identifying the problem and the type of incidences that could occur would be a main goal. Public utility disruption was one of the major concerns along with the jail, fire service, public transportation, law enforcement, fixed medical facilities and EOC.

Guy said they have looked at the statutory and jurisdictional responsibilities as well as the moral or ethical responsibilities.

The essentials or critical services that directly effect the County have been identified as: life safety, incident stabilization, property conservation, disruption to the public and being cost effective.

The alternatives of responsibilities, the time frame of how long the County could be self-sufficient and incident command were examined.

#### **Policy Discussion**

Guy mentioned the Board needed to define the time frame on which level of service and response.

Chairman Martin suggested 7 days was the time frame he would like to see the County be able to provide in an emergency situation.

Guy suggested for any hazard, it gets down to if we have alternative power to deal with whatever problem occurs -- fuel resources and other commodities -- and this should be the focus.

Commissioner Stowe suggested to consider January 3 date as one when the Commissioners will not be meeting. Additionally to have county resources and staff under an alternative plan.

*Fuel Storage* - the County does not have a storage.

The possibility of a Swallow Truck available at each end of the County was discussed. A 5,000 gallon tank would be the backup.

Guy stated that King Lloyd indicated he can do a 10 day event as it is now. There are diesel fuel sources in Glenwood, Roan Creek and another tank of 5,000 that could be set aside for gasoline. The Glenwood site would require a small generator.

Guy suggested that Y2K is another problem that should be handled like any other hazard identification.

The Board directed Guy to bring back some costs so they could consider the options before them.

Commissioner Stowe agreed with the 7 day factor for basic services being provided.

Guy mentioned the municipalities are doing a good job on their part for preparation. Guy mentioned the worse problem facing them was for the public to pay attention and plan for it.

Friday, December 31st was suggested to be set aside as a meeting date to explore the set up for emergency implementation.

The Personnel Committee needs to be given some specifics regarding time off work in case there is an emergency.

Mildred mentioned they could discuss this at their next meeting May 26.

#### ***Internal Preparations***

County Operations, except for the offices defined, would basically close until further notice.

Rob mentioned the Assessor and Treasurer were getting geared up. He suggested an in-house training to back up their data. This should be part of a day to day operation.

#### **COUNTY ROAD 109 CONTRACT AWARD**

Don DeFord, Ed Green, King Lloyd, Bob Szrot and were present.

Don mentioned that as of this morning, there are critical properties owned by Aspen Glen, Sue Rogers and the Wilson Trust that have not been placed in County hands. This should be concluded by Monday, May 10, 1999.

#### ***Engineering Contract - Schmueser Gordon and Meyer - Engineering Contract***

Louis Meyer presented.

Don stated this engineering contract should be acceptable and the Board could proceed if they wanted.

#### ***Road Construction Crew - Bogue Construction***

The bid was opened April 2 and Bogue was the low bidder. The award can be made up until June 2, 1999.

Bob Szrot stated that Bogue is bringing in about 20 truck loads of culvert pipe onto the site already and electric power poles being relocated.

Ms. Snobble was also present.

The documents from the other property owners is moving and Jim Leuthueser should have all that finalized by Monday, May 10, 1999.

Bob suggested to wait one week to award the actual bids.

Bob reported they have a staging area designated.

The Coryell Ranch will coordinate the staging area and they are willing to work with Bogue.

A time was set for the award on May 10.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to reset this award for Monday, May 10 at 11:45 A.M.; carried.

#### **CONSENT AGENDA - APPROVE BILLS & PAYROLL**

The Bills and Payroll were previously reviewed by the Commissioners.

A motion was made to approve the bills and payroll by Commissioner McCown and seconded by Commissioner Stowe with the exception of Dr. Kurtzman, Coroner; carried.

For the record, Commissioner McCown asked to have Trey Holt look into this and submit a breakdown on each. The Board wanted to make sure this was for Garfield County.

The bill was brought to the Commissioners for review.

After reviewing the bill from Dr. Kurtzman, the Commissioners discovered that toxicology was being done on each autopsy -- they did not have any trouble approving the bill.

#### **ACCEPT PROPOSAL FOR COUNTY ROAD 103 UPGRADE AND REPAIR**

An Executive Summary referencing Resolution 93-020 as the approval for Casey Concrete to operate a concrete batch plant on the Jean Blue property along with the conditions to use CR 103 as the haul route was given to the Board. Included in that approval, Casey Concrete was to keep CR 103 in a certain minimum condition in a separate agreement. Staff recommended Mr. Casey be allowed to hire the appropriate contractors to do the work and that it be certified by an engineer. Mr. Casey was present and agreed that an approximate amount had been discussed and approved.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to accept the necessary repairs on CR 103 as discussed and approved. Amended motion, accept proposal and asked Mr. Casey to proceed with the contract and proceed with the repairs. Commissioner Stowe amended his second. Motion carried.

#### **ADOPT PERSONNEL POLICY PROCEDURES AMENDMENT**

Phyllis Lundy presented the Personnel Policy Procedures Amendments.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Resolution with the changes as presented in the Personnel Policy Procedures Amendments; carried.

##### ***Fairgrounds - Lee Moss - Direction - Electricity for Vendors***

Ed mentioned there was additional expense involved in the wiring for electricity for vendors at the Fairgrounds.

Commissioner McCown said this could be expense including a new box and some other electrical equipment.

The Board admitted it was costly but an upgrade was necessary.

##### ***Fairgrounds Contract - Ernesto Leon***

May 30 Ernesto Leon - Mexican Rodeo and Dance

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Fairgrounds Agreement for Ernesto Leon; carried.

##### ***Agreement for Weed Spraying - BLM***

Weed Spraying - \$3500 Puma Paw Project

Ed stated that he had a statement for weed spraying in Puma paw that BLM is doing.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign an Agreement with BLM for weed spraying at Puma paw; carried.

Allen mentioned that Steve would need to put in a supplemental for the budget.

#### ***Employee Recognition Picnic***

The date of June 16 was discussed. Commissioner McCown agreed to obtain the meat but needs a head count; he added that he also needs a count for vegetable burgers as well.

The Commissioners are scheduled to cook the meat and serve the meal that date.

Chairman Martin has been requested to handle the awards.

#### **ADOPTION OF FINANCIAL MANAGEMENT POLICY**

Ed Green, Allen Sartin, Ruth Carey new controller, Dale Hancock and Don DeFord were present.

Allen presented the Financial Management Policy. He indicated that he had previously distributed this for each department head and elected official to review and provide feedback.

The basis for this action is to organize documents and ensure compliance in all departments. This establishes the actual policies and procedures and gives a basis for reporting back to other departments. It will ensure equitably and fairness.

Allen and Dale spent about three months working on these policies. This is a policy that lends itself to amendments. State laws, the Board, or other department have the opportunity to suggest changes.

If adopted, the financial management policies; the budget preparation material; the purchasing policies adopted in 1991; and the motor pool management and procedures will be handed out to all department heads and elected officials. The goal is to provide each department with documents to ensure consistency.

Allen recommended that the Commissioners formally adopt the Financial Management Manual and authorize the Chair to sign the Resolution.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with adopting the Financial Management Policy for Garfield County; carried.

#### **RESOLUTION VACATING TURK SUBDIVISION ROAD**

Mr. Turk and Don DeFord were present.

Don DeFord said he has looked over the documents. The original plat for the Turk Subdivision did not include an actual legal description for the subdivision. The plat and documents are in order.

Mildred mentioned that the vacation and plat need to be recorded at the same time.

Mark Bean submitted that the staff has verified that William and Judith Walker are the owners of Lot 1 of the Turk Subdivision and are the individuals having the right to use the access easement on the subdivision plat.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a Resolution vacating the Turk Subdivision Road; carried.

#### **BUILDING AND PLANNING ISSUES**

##### **CONTINUED PUBLIC HEARING: ST. FINNBAR SUBDIVISION. LOCATED APPROXIMATELY 3 MILES EAST OF CARBONDALE OFF CR 100, 1/4 MILE SOUTH OF CATHERINE'S STORE. APPLICANT: ST. FINNBAR LAND COMPANY**

Don DeFord, Ron Liston, Tom Zancanella and John Barbee were present. 3-3202

John Barbee said the St. Finnbar subdivision application was continued at the last meeting of the Board, due to the uncertainty of the sewage treatment provider. As with Pershanna Farms PUD, the issue of who will treat the development's sewage is still uncertain.

Ron gave an update saying this had been rescheduled on several occasions. This goes to the Planning and Zoning on May 11, 1999. He suggested this be postponed until early August.

Don requested that a written request be submitted prior to granting an extension.

Recommendation:

Continue the hearing for at least 60 days, which should allow for the Mid Valley Metropolitan District Service Plan amendment to be reviewed.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe on the condition the applicant submit a letter requesting the continuance and to Monday, August 9, 1999 at 2:00 P.M.; carried.

**REQUEST FOR SPECIAL USE PERMIT FOR PLACEMENT OF AN ACCESSORY DWELLING UNIT, LOCATED AT COUNTY ROAD 107, 1 1/2 MILES NORTH EAST OS SUTANK ON RED HILL. RICK AND FLORENCE BOARDHURST.**

Don DeFord, Bob Noone Attorney, Rick and Florence Boardhurst were present.

Don determined that required notification and publication were adequate and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John submitted additional information submitted by the Broadhurst's.

John Barbee presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Green and White and Exhibit C - Staff Report; Exhibit D - Garfield County Subdivision Regulations and the Garfield County Zoning Resolution as amended in 1978 and the Garfield County Comprehensive Plan and Exhibit E 1 - Water Court Application No. W-346 and Exhibit E-2 a recorded warranty.

Chairman Martin submitted Exhibits A - E into the record.

Bob Noone gave the update. A neighbor objects due to the well having certain problems. A letter dated April 14 was submitted.

Attorney Coloia represents the applicant.

A document from the water court was submitted in response of Ms. Coloia's objections.

Mr. Noon mentioned that the Broadhurst family members are willing to work with Mr. Viet in not impeding his water supply. Other issues expressed by Attorney Coloia were addressed:

The use of the double wide trailer as an accessory dwelling -- Mr. Noone referenced 2.02.285 of the Zoning Resolution of 1978. He also referenced the zoning amendments of 1981. He stated that in Feb. 1981, the statutes found in the tax assessors show this listed as a sale under the accessory dwelling -- guest house.

John mentioned that in Feb. 1981, when the current language affecting the Broadhurst's accessory dwelling was determined in light of this evidence given, that the outlined statutes should be honored. Exhibit F - State Statutes referencing Guest House -- 39-26-101 Sales Tax page 390 and page 440 -- areas were highlighted.

Chairman Martin accepted Exhibit F into the record.

Exhibit G -- Statutory Citation IRS - PLR 98-6--3 1998 WL 199490 - private letter ruling. Exhibit G was a submitted.

Chairman Martin admitted Exhibit G into the record.

Sherry Coloia representing Dick and Jane Viet stated on the water issue that this is not an exempt well.

There is still a problem. The issue is expanding the use of the water. In 1972 this water was decreed for stock -- irrigation of 10 acres. The Viets got the exemption. Attorney Coloia stated that the water law is defined by priority and uses and they can not expand. Her clients are very concerned. She based her case on the original well and water rights. She mentioned it will need to have another decree.

Attorney Coloia said they can drill a well on their own land. The covenants restrict additional guest houses -- guest as defined by the dictionary was referenced. Her clients object to an additional single family dwelling. She added that based on the covenants, the Commissioners do not have the ability to grant this application at this time with these particular constraints.

Richard Viet - admitted two letters from other people in the area who are under the covenants and who could not be present to object. They support only a guest house be allowed.

Exhibit H - an E Mail from Marion P. Downs and an e-mail from Jack and Jody Pike.

Exhibit H was submitted.

Jane Viet owns 35 acres and she agrees with Ms. Coloia. She objects and said they should only be allowed a guest house.

Andy Swaller - an adjacent land owner -- two lots down stated that when he built the houses and developed the land, they did everything within the covenants. There were in three different places and within the 10 acres exempt.

Mr. Noone said that Ms. Coloia's remarks were true. The Viets do have rights to the first 5 gallons per minute under water law. The decree allowed for irrigation for 10 acres. That use can be converted into domestic use. The bottom line here is that whether the use of the well by the Broadhursts impacts the rights of the Viets to use whatever surplus may be available subject to the determination of the State Engineer's office. They will comply by any condition imposed by the State Engineer on the use of that well in order to prevent injury to the Viets legal and reasonable expectations. With respect to covenants, there is no need to refer to covenants as there are ambiguities as to the free use of land. If language is not specifically defined

you consider plausible uses that may be permitted and he submitted that the statutes presented to the Board that were in effect at the time these covenants were drafted contain the only pertinent scenario in which you could attempt to define a guest house. The State Legislature ruled that guest houses were dwellings that could be rented, were not restricted in size and not restricted in the duration of the use.

A motion was made by Commissioner and seconded by Commissioner to close the Public Hearing; carried. Commissioner McCown asked for clarification under the County's regulations as identified in Resolution 81-263, the definition of a guest house under 2.02.285 as the relevance this has on the definition of guest house with Garfield County land use.

Don DeFord stated that this was discussed before the Planning Commission and with Mr. Noone at some length. His conclusion was that this does not apply to this case because the original term guest house was used many years before the County anticipated drawing up a regulation that would further define that term. He said he could not see that they could interpret the covenants as using the meaning that the County intended with the covenants that have their origin eight years before the County began to draft that regulation.

Commissioner McCown verified that today there was not a guest house on this property. So in order to achieve a primary dwelling, one has to be declared a guest house.

Don said, within the means of the covenant -- not within the meaning of the County's regulations. The applicant is asking for an accessory use under today's regulations that are not the same as they were in 1981 when the resolution was passed.

Commissioner McCown inquired if the Resolution 81-263 was still valid?

Don said as to a guest house, yes it is but the applicant is requesting for an accessory use which is a different term and is a different use than a guest house. It is under a separate section of the code today and was added in 1995 -- "accessory use".

Jane Viet mentioned there were 5 landowners who do not want this allowed and only 3 others who are indifferent.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Stowe to follow the staff's recommendations in the approval of the request to allow a special use permit for an accessory dwelling unit for Rick and Florence Broadhurst.

Commissioner McCown seconded this saying he would like to see included in the motion some restrictive device not to exceed 5 gallons per minute be placed on the well and at no time would that amount of water ever be exceeded.

Commissioner Stowe amended his motion to include this. Commissioner McCown amended his second. Chairman Martin said he was troubled. He also referenced the County's Resolution 81-263 describing what a guest house and the size as to what it can and can not be. He also looked at the regulations that we have in place since 1995 and sees a conflict.

Vote:

McCown - aye; Stowe - aye; Martin - nay.

**REQUEST FOR SPECIAL USE PERMIT FOR TIMBER REMOVAL (NATURAL RESOURCE EXTRACTION) FROM PRIVATE LANDS. LOCATED SOUTH OF SUNLIGHT PEAK AND EAST OF THE GARFIELD CREEK STATE WILDLIFE AREA. APPLICANT: LARRY AND VIRGINIA SCHMUESER.**

This will need to be Re-Scheduled and re-noticed.

**REQUEST FOR SPECIAL USE PERMIT FOR PLACEMENT OF A 4" NATURAL GAS PIPELINE BEGINNING SOUTH OF THE COLORADO RIVER AND RUNNING NORTH AND EAST FOR APPROXIMATELY 2 MILES EAST AND SOUTH OF SILT. APPLICANT: PUBLIC SERVICE COMPANY OF COLORADO.**

Don DeFord, John Barbee, Alan Morganfield and Paul Hyams representatives of Public Service were present.

Don determined that required publication was satisfactory but required notification was only by direct mail and not certified. He advised the Commissioners that he could not find any provision of variance to the notification requirement.

Don mentioned the finding by the Board rests with the applicant as far as an injury. Public Service had followed the recommendation made by staff and it would be up to the Commissioners to decide.

Chairman Martin outlined the risk they would take.



### ***Executive Session - Discussion of Procedures***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to receive advise from legal counsel; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of an Executive Session; carried.

A decision was made by the Board that proper notification was not in order.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to allow Public Service to proceed. Chairman Martin again warned Public Service in case they had an enemy of the risk they were taking; Motion carried.

Chairman Martin swore in the speakers.

John Barbee presented the following Exhibits for the record: Exhibit A - Proof of Publication, Exhibit B - non-certified but mailed notifications to property owners; Exhibit C - Staff report and attachments; Exhibit D - Attachments by Public Service and Exhibit E - Full size section surveys by the applicant.

Exhibits A - E were admitted into the record.

John stated that this was a request for a special use permit for a pipeline - for Stillwater.

He reviewed the staff report and attachments.

#### ***Road Bond***

King later determined that the standard road bond was imposed and was sufficient.

#### ***Applicants***

Alan Morganfield and Paul Hyams were present for Public Service.

Al mentioned they have been working with Stillwater Ranch. This is a feeder line; buried 4 feet deep and all roads will be bored. They will re-seed and re-vegetate when completed.

Construction is slated to begin May 10 and completed within 4 - 6 weeks.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for a special use permit for Public Service Company with all the major issues and concerns, suggested findings, and 10 recommendations of staff as listed below; carried.

#### ***Recommendation:***

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.

All construction shall be in compliance with County standards, and all road crossing pipeline depths shall be inspected by the County Road and Bridge Department for compliance with County standards.

Prior to mobilization and/or construction, the applicant shall obtain approval of all proposed crossings of County Roads from the Garfield County Road and Bridge Department but including appropriate notification of the public as may be necessary for road closures or other activities as required.

Prior to mobilization and/or construction, the applicant or the applicant's contractor(s) shall obtain overweight vehicle permits ( if applicable ) from the Garfield County Road and Bridge Department.

The applicant shall provide a pre-mobilization and/or construction survey, listing existing road and proposed pipeline alignment conditions to the Garfield County Building and Planning and Road and Bridge Departments.

The applicant shall obtain all licenses as may be required for vehicles used but the applicant and the applicant's contractor(s) from the Garfield County Clerk and Recorder.

The applicant shall abide by all stipulations as may be required for revegetation by the County Weed and Vegetation Manager.

The applicant shall provide to the County within 180 days of completion of the pipeline, a detailed survey indicating the as-built alignment of the pipeline and proof of ownership of rights to easement for the alignment.

The applicant shall obtain all required permits from the County for placement within the County right-of-way.

The applicant shall provide a road bond or other surety as may be required by the County.

**REQUEST FOR EXEMPTION FROM THE DEFINITION OF SUBDIVISION TO CREATE FOUR (4) EXEMPTION PARCELS OF 2.0, 2.0, 2.0 AND 52.14 FROM A PARENT PARCEL OF 46.14 ACRES IN SIZE, MORE OR LESS. APPLICANT: WILSON FAMILY COMPANY.**

A re-notice and rescheduled hearing will be required.

**REQUEST FOR EXEMPTION FROM THE DEFINITION OF SUBDIVISION TO CREATE A FIFTH PARCEL OF 9.0 ACRES FROM A PARENT PARCEL OF 30 ACRES IN SIZE, MORE OR LESS. LOCATED: CR 320 WEST OF BEAVER CREEK MANOR ON TAUGHENBAUGH MESA, RIFLE. APPLICANT: DONALD AND KATHY GERMANO.**

Don DeFord, Donald and Kathy Germano were present.

Don determined that required notification and publication were adequate and advised the Commissioners and they should receive into the record the letter Mr. Germano received from the Planning Department they were entitled to proceed.

John stated that this was a request for a special use permit for placement of an accessory dwelling unit.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Meeting; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for exemption from the definition of subdivision to create a fifth parcel from a parent parcel of 30 acres in size for Donald and Kathy Germano with all the major issues and concerns, suggested findings, and 8 recommendations of staff as listed below; carried.

Recommendation:

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, 25 ft. wide 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 Site Acquisition Fees for the creation of the exemption parcel.

That the following plat note shall appear on the Final Exemption Plat and in the covenants if applicable: "Control of noxious weeds is the responsibility of the property owner." "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." "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 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." "Garfield County has a Right-to-Farm Regulation, which recognizes the important contribution agriculture makes to this County. Nuisance complaints made against customary and legal agricultural operations and practices will not be pursued." "Specific geological hazards may be encountered during the placement of structures and septic systems. Site specific analysis for placement may be required." "That the applicant, and any future property owners of said property agree to, as a condition of future continued approval of the subdivision exemption, that if, in the future event that the property described by this subdivision exemption, has the reasonability ability to connect with any municipal or centralized water and/or sewer system, the subject property owners shall be required to connect to said service and remove any existing residential use well heads and individual sewage disposal system(s) which may be located on said property, within one year of the effective date of service availability."

Prior to the approval of an exemption plat, the applicant will demonstrate that all wells will meet 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 draw down 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 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, a legal, well sharing declaration which discusses all easements and costs associated with the operation and these costs and how assessments will be made for these costs.

7. The water quality be tested to determine portability by an independent testing laboratory and the water must meet State guidelines concerning bacteria, suspended solids and nitrates.

The applicant shall abide by the HFWA 299, Standard for Protection of Life and Property from Wildfire recommendations as it relates to driveways. a) All driveways shall provide a minimum unobstructed width of 12 ft. (3.7 m) and minimum unobstructed vertical clearance of 15 ft. (4.6 ).

b) All curb cuts at entrances to driveways or other provide ways shall be sufficient width to permit safe travel by emergency vehicles at all times of year. c) Turnouts shall be designed and constructed every 400 ft. (122 m) along the driveway's length.

d) A turnaround shall be provided at all building or structure sites on driveways over 300 ft. (91m) in length shall be within 50 ft. (15.2m) of the building or structure. e) Where applicable, all driveways shall conform with NEPA 1141.

The applicant shall conform to the requirements for fire protection as indicated in 9/10/98 letter from the Rifle Fire Protection District.

## **PUBLIC HEARING: ESTABLISHING GARFIELD COUNTY LIBRARY DISTRICT**

Don DeFord, Darlene Merritt and Susan Barana were present.

Don determined that required notification and publication were adequate and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Exhibit A - Proof of Publication that includes the Resolution were presented by Don DeFord.

The Resolution was reviewed by the Board.

Don said the mill levy generation was received by Allen Sartin.

The Ballot Question will contain the substance as identified in the Resolution paragraph 2.

Discussion

Commissioner McCown wanted to make sure the electorate understood that this would form a Library District.

Don mentioned the Tabor Statement would need to be required. The Ballot title and pro-con statements will need to be started in July.

Susan Barana, President of the Library Board said the reason they support this Library District is because they are in the hole and would not receive enough funds to deal with the repairs and expansion of the buildings needed in the communities. The other benefit would be to increase staff and stay open more days and longer hours. On being a district they would only have individuals interested in taking care of the Library. Therefore, there was a two-fold benefit -- financial and the control to do it. A three mill increase would cost less than two best sellers for the taxpayers.

The Capital Reserve Fund is about \$350,000 per Susan Barana; the new budget will include a line item for building replacement. A Library Foundation has been put into place by pro-bono attorney's.

Commissioner Stowe stated it has great potential and he was pleased to have the Library go forward.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the process necessary for initiating establishment of the Garfield County Library District. Discussion.

The ownership of the property will be resolved after the passage of the ballot. Don mentioned a lot of legal questions would be answered by the IGA. Motion carried.

A time was set for developing the ballot question on July 12 at 11:30 A.M.

## **Alpine Bank - Preliminary Plat - 3:00 P.M.**

This was not on the Agenda.

John Barbee, Don DeFord and Debbie Dooley of Schmueser Gordon Meyer were present.  
Don mentioned it was within procedure to open the hearing, verify publication and notification. then  
postpone for next week.  
A motion was made by Commissioner McCown and seconded by Commissioner Stowe to reschedule the  
matter until Monday May 10 between 2 and 3 PM.; carried.

***Recess***

Motion to recess until Tuesday, May 4, 1999 at 9:00 A.M.

Attest:

Chairman of the Board

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**MAY 4, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The continued meeting of the Board of County Commissioners began at 9:00 A.M. on Tuesday, May 4, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

***Dry Hollow - Water Flow Problem***

Don said King called him and alerted him to a problem where a heavy flow of water has been diverted onto property and then on to County Road. The flow is so heavy that warning signs are washing out. The ditch company refused to put a head gate. There is some clogging in the ditch. A temporary restraining order may be in order to shut off the head gate.

Don may be asking for a motion later to go to court.

**REQUEST FOR A SPECIAL USE PERMIT FOR PLACEMENT OF AN ACCESSORY DWELLING UNIT LOCATED AT 0555 CACTUS FLATS, 2 MILES NORTH EAST OF CARBONDALE. APPLICANT: ED JOHNSON**

Don DeFord, Kit Lyon and Ed Johnson were present.

Don determined that required notification and publication were adequate and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit presented the following Exhibits for the record: Exhibit A - Proof of Public Notice; Exhibit B - Returned Receipts; Exhibit C -1978 Zoning Resolution & 1985 Comprehensive Plan; and Exhibit D - Staff Report

Commissioner Martin submitted Exhibits A - D into the record.

Kit stated that this was a request for a special use permit for placement of an accessory dwelling unit.

Ed Johnson mentioned they did bring proof of a legal source of water. A copy was submitted as Exhibit E.

Ed also submitted to the Building and Planning a deed showing full ownership of the well. This accessory dwelling will be for his son and daughter in law to live and work for Mr. Johnson.

John Barbee said that augmentation may be necessary since there has been a change in the well use.

Ed Johnson stated that Tom Zancanella handled the well transfers and he will request Tom to supply the Board with a letter verifying the use of the well. He further clarified the well issue with appropriate documentation.

Commissioner McCown clarified how the well decree specified a shared well for three lots. He's taken it from a multiple use to a single use and if he decided to subdivide, there would need to be a new water decree.

Don suggested if the applicant could obtain from Tom Zancanella a letter stating the fact that there is a legal source of water for the accessory dwelling and that it will not affect any other lot previously served by the well, this then would be adequate to meet the regulations.

Ed said the other lots do have another source of water.

Chairman Martin mentioned there was an adjudicated well.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

Recommendation:

Staff recommends approval with 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.

That the applicant comply with the Zoning Resolution of 1978, as amended.

That all State and Local health standards be complied with and that the applicant acquire an adequate ISDS permit at the building permit stage.

That proof of a legally adequate source of water for two (2) dwelling units be provided prior to issuance of a building permit and special use permit;

That a copy of the water augmentation plan and a letter to the Board of County Commissioners. The letter must be from a licensed engineer in the State of Colorado, it must detail the history of the water transfers, and detail the status of the original three (3) lots which were involved with the water sharing agreement.

[The recommendations above reflect the discussion, conditions added and the motion made by Commissioner Stowe.]

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for a special use permit for placement of an accessory dwelling unit for Ed Johnson with all the major issues and concerns, suggested findings, adding the recommendation made by the Board and added to the staff's original recommendations.

Motion carried.

**REQUEST FOR SPECIAL USE PERMIT FOR PLACEMENT OF AN ACCESSORY DWELLING UNIT, LOCATED ON CR 301, 1 1/2 MILES SOUTH EAST OF PARACHUTE. APPLICANT: DON WIEGNER**

Don DeFord, Kit Lyon and Don Wiegner were present.

The applicant has requested to withdraw the application.

***Request from Communication's Authority - Grant Update Communication Equipment***

Commissioner McCown made a motion to authorize the chair to sign a Letter of Support for a Grant that requires no match to update the Communication Equipment under the Communication Authority.

Commissioner McCown seconded; carried.

***Sunlight Peak Building - Upgrade - Joint with Communications Authority***

Chairman Martin suggested that a discussion needed to occur with the Communication Authority to jointly participate in the upgrade of the Sunlight Peak Building. He said he hopes they will come up with 50% of the cost.

***Planning Department - Applicant***

Kit Lyon referenced the application made by the Whiskey Park Log Homes - Steve Wilson. She requested a decision from the Board as to schedule it on their agenda or to refer this to Building and Planning.

The consensus of the Commissioners was that they could hear it without referral to the Planning Commission.

Commissioner Stowe moved to recess until 11:20 A.M. Chairman Martin stepped down as Chair to second the motion; carried.

**REQUEST FOR A SPECIAL USE PERMIT FOR PLACEMENT OF AN ACCESSORY DWELLING UNIT LOCATED AT 7204 CR 100, 3 MILES NORTH OF CATHERINE'S STORE. APPLICANT: JAMES AND VALERIE BYRNES**

Don DeFord, Kit Lyon, James and Valerie Brynes were present.

Don determined that required notification and publication were adequate and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit presented the following Exhibits for the record: Exhibit A - Proof of Publication

Exhibit B - Returned Receipts; Exhibit C - Garfield County 1978 Zoning Resolution as amended and the Garfield County 1985 Comprehensive Plan; and Exhibit D - Staff Report and Attachments.

Chairman Martin admitted Exhibits A - D.

Kit stated that this was a request for a special use permit for placement of an accessory dwelling unit.

That the accessory dwelling unit be built according to the submitted Kurtz and Associates plan dated 4/26/96 and that substantial changes to the plan, such as but not limited to a change of location or total square footage, will require another review which may or may not be approved by the Board of County Commissioners.

That the Garfield County Zoning Resolution of 1978, as amended be complied with.

That all State and Local health standards be complied with and, if ISDS permit #1649 is determined by the building inspector to be inadequate, the applicant acquire a permit for an ISDS prior to issuance of a building permit or a special use permit.

A motion was made by Commissioner McCown and seconded by Chairman Martin stepped down as Chair to second the motion to close the Public Meeting; carried.

A motion was made by Commissioner McCown and seconded by Chairman Martin who stepped down as Chair to second the motion to approve the request for a special use permit for placement of an accessory dwelling unit for James and Valerie Brynes with all the major issues and concerns, suggested findings, and the recommendations of staff including the addition of acquiring an ISDS permit prior to issuance of a special use permit. Motion carried.

**REQUEST FOR EXEMPTION FROM THE DEFINITION OF SUBDIVISION TO CREATE FOUR (4) EXEMPTION PARCELS OF 2.0, 2.0, 2.0 AND 190.08 FROM A PARENT PARCEL OF 196.08 ACRES IN SIZE, MORE OR LESS. LOCATED: APPROXIMATELY 4 1/2 MILES SOUTH AND EAST OF THE RULISON INTERCHANGE. APPLICANT: CARL BERNCLAU.**

The applicant did not appear. This will need to be rescheduled.

**REQUEST FOR SPECIAL USE PERMIT FOR PLACEMENT OF AN ACCESSORY DWELLING UNIT, LOCATED AT 90 COTTONHOLLOW LANE, 4 MILES SOUTH EAST OF HWY. 82 AND CATTLE CREEK. APPLICANT: STEPHEN HEINIG**

Don DeFord, Kit Lyon and Stephen Heinig were present.

Mr. Heinig mentioned he did not have the publication today and he did not have proof of water.

This will be rescheduled.

Recess until 1:30 P.M.

**PUBLIC HEARING: (1) REVIEW APPLICATION FOR PLANNED UNIT DEVELOPMENT ZONE DISTRICT TEXT AND PLANNED UNIT DEVELOPMENT AMENDMENTS FOR THE ROSE RANCH PLANNED UNIT DEVELOPMENT, AND (2) PRELIMINARY PLAN SUBDIVISION REVIEW**

**(1) REVIEW APPLICATION FOR PLANNED UNIT DEVELOPMENT ZONE DISTRICT TEXT AND PLANNED UNIT DEVELOPMENT AMENDMENTS FOR THE ROSE RANCH PLANNED UNIT DEVELOPMENT**

Don DeFord, Victoria Giannola, Scott Balcomb, Tim Thulson Attorney for Rose Ranch, and Ron Heggemeier Developer were present.

Chairman Martin swore in the speakers.

Don DeFord mentioned this was the continuance of a hearing that was started previously. The notice issues have already been addressed for both the Planned Unit Development hearing and the Zone District Text and PUD amendments.

Victoria presented the following additional Exhibits for the record: Exhibit C - Garfield County Zoning Resolution; Exhibit D - Garfield County Subdivision Regulations; Exhibit E - Garfield County Comprehensive Plan; Exhibit F - Applicants submissions, attachments & supplements to date; Exhibit G - Staff report; Exhibit H - New letters received today from a concerned resident -- Joanne Paine dated 5/4/99; and Exhibit I - letter from the County Weed Manager Steve Anthony who reviewed the golf course management plan dated 3/19/99.

Chairman Martin entered Exhibits C - I into the record.

Ron Heggemeier, manager of the management firm introduced the speakers.

Jim Delay, Land Planner gave the visual presentation. He also asked this to become part of the record as well. The PUD is a total 533 1/2 acres of land. The site analysis mapping established the framework for the original development. The PUD Amendment consists of accommodating the affordable housing and the clean up as a result of the approval of Resolution 98-80. They created a distinct boundary to accommodate the affordable housing units. There are no changes in the Westbank easements. The Golf Course II is the only addition and change in order to have the affordable housing. They added two acres of ground and takes the number of houses up to 322 total. Some of the acreage was reduced and the density was increased.

Mitch Black gave the details as to the building height and some of the studies the firm completed. This was in response to the existing houses that might be affected by this development. There was only one that would hinder the view of Sopris Mountain. They did a 3-D topographical view of Mt. Sopris and compared this to a 25 foot home versus a 35 foot home. Staff suggested restrictions in area 3 - 9 on all the river lots to a 25 foot view. The others would have a 35 foot height restrictions. The lots with restricted setbacks were pointed out on the visual display.

Exhibit J - Rose Ranch Presentation; and Exhibit K - Rose Ranch PUD Application were submitted.

Chairman Martin admitted Exhibit J and K into the record.

Ron Heggemeier said the staff report has several comments that he wanted to address. Those are found on pages 18, 19 and 20 of the staff's submittal. The first one is grading on slopes that are greater than 30%. Because of all of the other issues that they have had to address concerning the locations, geotechnical issues, etc. there are some grading that exceeds 30%. These occur in the water tank area and the water tank access road, the golf cart path wind up the gulch to upper golf holes and one of the other passes along County Road 109. Ron asked that they be allowed to exceed 30 degree slopes in these limited areas. The Planning Commission unanimously recommend approval of that requested amendment. Second of all deals with the setback from the river on the lots. All lots were therefore measured from the high water mark line and there was an amendment requested for seven lots. This was necessary for Joe Hope to be able to survey and the County can check the measurement. The third issues is regarding native vegetation and they were wanting to follow the grassing recommendation of the expert golf management. The Planning Commission also unanimously approved this clarification. The fourth item deals with the increased density due to the requirement of 10% affordable housing on-site. At the time of passing the motion made by the Commissioners, it was not clear if the 10% was to be included in the original density or if it could be added. They are not asking that it be added density from 292 to 322 units. These units are being requested as: 10 of those be inside the Club House Area; 20 be in the patio home area. The Planning Commission unanimously recommended that 10 stay in the club House Area and 20 be allowed off-site if this Commission adopted regulations forthcoming from the Affordable Housing Committee that would accommodate off-site housing. Therefore, if the Commissioners do adopt those proposed regulations, Rose Ranch would proposed that 20 be off-site.

Ron referenced Exhibit K that mentions all the amendments they are requesting today and asked that these issues be cleared for the record.

On County Road 109 Ron mentioned that the Commissioners did approve any credit on the cost to straighten out the extreme curve on CR 109 toward the impact fee. Additionally, since they last appeared in front of this Board, King Lloyd has requested that they make certain other improvements to CR 109 which they have agreed to do. Those are contained on page 11 of the staff report 3A - 3F. Ron asked that these additional improvements be allowed to be credited to them for their road impact fee as well.

Exhibit L - the request made today by Rose Ranch showing that the first paragraph incorporates Exhibit K. Chairman Martin admitted Exhibit L into the record.

Victoria stated that this is preliminary plan and amendment to the PUD review for the Rose Ranch application.

Victoria briefly reviewed the staff report that included the review comments from various agencies, major issues and concerns, recommended findings and outstanding plan deficiencies.

The applicant is proposing to amend a PUD which will consist of 322 units, including 171 single family dwellings, 74 duplex units, 47 club homes, ten rent restricted apartment, and twenty price restricted lots on a 440 acre tract. The site will also contain a golf course which will link with the West Bank golf facilities to create an eighteen hole golf course with associated facilities including a restaurant, a day care center, and a maintenance building. Additional recreational amenities are proposed including a fishing park, overlooks, trails, greenhouse, and garden plots. Recreational facilities are proposed such as a swimming pool, tennis courts, playground, and picnic area.

Victoria noted for the record: the applicant has obtained of a water board approved augmentation plan -- this was a recent submittal. And the response at this point will be upon the County to obtain a letter from the State of Colorado Office of the Engineer for non-material injury.

Chairman Martin read in to the record: "This memorandum, Steve Anthony comments on the Rose Ranch Golf Course Management Plan. Thanks for the opportunity to comment on the Rose Ranch Golf Course.

My comments are as follows: On page 4 - 7 of the IGMCP, the applicant states that the wetland corridors will use the same seed mix as the secondary roughs. This mix includes four species that are introduced - crested wheat grass, hard fescue, smooth roam and red top. I would encourage the applicant to use native



grass in the wetland corridor area. Lumagama is also listed in the seed mix and although a Colorado native, it does not grow real well on the western slope. On page 16 of the same report, the second paragraph states that the contractor shall mulch all areas within an improved wheat or oat straw that is weed free. I suggest that the change read pay for straw certified by the Colorado Department of Agriculture as weed free. On page 4 - 24 of the same report, table 7 lists 26 broadleaf weeds however it neglects to mention 2 thistles that are very common in the area plumis thistle and scotch thistle. Also Russian Knapweed may be a concern in the area and it is suggested that the applicant conduct an on-site pre-disturbance noxious weed survey for the weeds listed on Garfield County's current primary undesirable plant list which is attached to the letter. One page 3-2 of the management plan and risk assessment of the Rose Ranch Golf Course, the applicant states that there are no sensitive, endangered or threatened fish species in the Roaring Fork River -- The Colorado River Cutthroat is a Division of Wildlife State special concern species."

Victoria reviewed the recommendations of staff compared to what the Planning and Zoning Commission recommended.

The P & Z recommended approval for all the PUD amendment requests.

Michael Erion - Wright Water Engineering - retained by the Board to review the project from the sketch plan to current. The issues have been narrowed down to just a few issues. 4/28/99 letter presents the wrap on the issues. One was the cart path and he explained. The other issue is the 4-4 permitting. The Corps has indicated that an individual permit will not be required.

The water supply - - final decree augmentation plan is in place with the State and no material injury to anyone's water rights. He recommended the 100 foot setback.

Tim Thulson stated they would follow this recommendation of the 100 foot setback.

Warren Wright - Westbank Homeowners - Water Systems Director - Volunteer to see if the area gets fair water. There is a potential risk to their wells. Some alternatives have been offered. He supports the staff's recommendation to keep the greens away from the wells and also not to treat the grass within a specific distance and the third is to use organic chemicals and these are the ones they most fear. He asked the Commissioners to accept Alternative I given by the Heggemeier group and follow the staff's recommendation to keep the fairway greens away from the wells and that be adopted as a conditional of approval of this PUD.

Susan Hassol - Representation of the Roaring Crystal Alliance - Ron has demonstrated his concern for the community. One thing is the setback for the 7 houses and would urge the Board to adopt the staff's recommendation on the set backs.

The second thing on her own behalf regards a heron nesting tree on the Rose Ranch side of the river. Some new information came in to view. The majority of trees are on the opposite side of the river and this one tree where nesting takes place is an inadequate setback for the heron. A Federal Migratory Bird Treaty Act " quote from the Regional Migratory Bird Coordinator --"any activity that causes nest abandonment and thus leads to failure to eggs to hatch can be interpreted as a take of migratory birds and therefore a violation of federal regulations. Therefore our advice is to avoid the immediate vicinity of nests that have the potential to cause nest abandonment." She encouraged this one house on one lot to be pushed back. She encouraged the Commissioners to take her comments in the context that what they are really concerned about here is the health of the river and heron species -- who likes to help the ecology system. This was submitted as Exhibit M.

Chairman Martin admitted Exhibit M into the record.

Calvin Lee -- Roaring Crystal Alliance (RCA) -- as far as the additional units requested by the developer, they have no objections and urge the Commissioners to approve the request for additional units. In fairness to the developer they were required to do the 10% Affordable Housing without having any realization that this was going to happen until Marian Smith actually said I think it should be on-site and through it should be 10%. Had the developer known or was aware of the regulation they may have proposed more units in the first place to make up for the requirement they knew they would have to do for the 10 additional units. The RCA also has no objections if the code is changed to the developer having these units off-site. The developer was not of any regulations or requirement but with this imposed upon them, they are proposing at Cardiff Glen be the off-site location of the 20 units. As far as the request from the developer for the exemption of the 7 lots to the 100 foot setback - the RAC are opposed to this. The RAC is named after the two rivers that are dear to their hearts -- the Roaring Fork River and the Crystal River and one main concern/goal/priority is to protect these rivers. The developer has not presented any difficulty in setting these units back. If we give an exemption to this developer, then we will be asked by others. The density

of 322 houses is a lot -- they can either eliminate these 7 houses, charge more for lots but combining lots and urged the Board of County Commissioners to consider the rivers.

### ***Blue Herons***

Jeannie Bodprey - Director of the Roaring Fork Conservancy - a new nonprofit agency to protect the river and the heron. She urged the Commissioners to hold the conservation easement on the north side and initially it was felt that most of the heron nests were contained in that area. It actually turned out that those nests are in the Sanders Ranch and a buffer area has been worked out and an agreement to at least a minimum of 200 meters. In the one spot where it is 200 meters, they've also agreed to put up a screen and a berm and provide a lake. Beyond that it is beyond 200 meters in other areas. This actually includes putting in the conservation easement, the whole delta that is part of Cattle Creek. The nest on the south side is a concern to us; there are actually four nests in the tree and 6 birds -- eggs in the nests and the window that the building envelope that has been approved contradicts what they believe will be interference with the nests. July 15th is the likely date when construction could start without interference and the building envelope suggests that construction could start at the end of May. Studies show that herons can coexist -- but the birds have left in areas of Steamboat and Chatfield -- the herons do not disturbances.

Ken Kriz - said of the densities that in prior meetings this was a big concern but the developer did lower those to everyone's satisfaction. It is commendable that the Commission that they would want the Affordable Housing and he's for it, however, he added that it's being thrown at us and the densities are back up where they were trying to avoid. He recommended the 10 apartment units he's recommending for the Club House remain are okay but the other 20 be allowed to be furnished off-site at Cardiff Glen. Other concerns is the setbacks. He is 135 feet back from the river and most of the houses built recently have been moved back.

Mark Gould - the first of three area concerns is birds -- the fact that this particular subdivision has compiled with the Division of Wildlife -- he pointed out that when Aspen Glen was getting approved there was the same saying about the eagles. They've been out there for 5 years with bulldozers, etc. next to the line of the eagle buffer zone. There is proof that the eagles can live with man and construction. 2) The riverbank versus a mean water level. The example would be Blu Balcomb's old house now owned by Dave Harris. Most of the time of the year he has this mowed to riverbank. Sometimes during the 50 year storm, the water can be 20 feet upon his grass. The issue is where is the riverbank. A definition of where riverbank can be found would be the answer. The mean high-water mark versus high-water mark is because high-water is really a theoretical number whereas mean high-water is the high-water that we know is going to happen because it has already happened before. 3) Affordable housing -- Mark said he serves on the subcommittee and most of the Board is aware that Planning & Zoning and Affordable Housing are in favor of mitigating off-site affordable housing and staff opposes this concept. This Affordable Housing should be where we already have schools, transportation and a good example of where this works is like at Cardiff Glen.

Dick Weinberg - Victoria passed out the plan sheet. The contract that has been displayed regarding traffic on CR 109, he feels it should have some type of screen to block the noise. The trees will do no good.

Joanne Paine - Exhibit H - was read into record. Her concerns were the heron and she requested that construction not occur within 10,000 feet minimum from early February to late August.

Chairman Martin mentioned this is a Review of the PUD Zone District Text and PUD Amendments; there is preliminary plan subdivision scheduled after this hearing later on today. The Board will make a decision about this hearing and then go on to the Plan itself.

Additional comments:

Michael Erion - wanted to clarify some issues that there seems to be confusion on. He said the discussion about the 100 foot setback and riverbank and mean high water line and he thought it would be. He clarified what is being talked about. Riverbank can be defined in 3 components - 1) the line from which a setback occurs -- this is more definable and can be identified in the field clearly is a setback from mean high water line. It's the water level that occurs every two years. It is a definite mark on the riverbank and it generally is associated with a change in the rock or the gravel bottom or hitting vegetation. It is very distinct. Where the setback is -- should be defined as from the mean water line. 2) the origin on the 100 foot set back from the riverbank text came in the Resolution 98-80 and these building envelopes were then laid out based on what the applicant's consultants had defined as riverbank. Michael's definition may be differently than what was defined. It is a gray area. Some areas are slightly less than 100 feet; the original comment was a

50 foot set back from a wetland area. No clear cut technical support for 100 feet 70 or 80 feet - or 90 feet. 100 feet was an arbitrary number. One of Wright Water's original comments was to provide a minimum of a 50 foot setback off of the wetlands which occurs in all areas. There is no clear cut technical support for 100 feet or any other in some of these instances. However, to go with the 50 foot setback off of the wetlands to the building envelopes would be the key.

Don DeFord raised a few questions regarding Affordable Housing. If the Board follows the Planning Commission recommendation concerning off-site affordable housing, how would they address the questions about density that's currently proposed to accommodate affordable housing changes in zone districts that would be impacted by going off-site as opposed to the current on-site proposal; and how would they address phasing; and in terms of acquisition of actual housing units -- how would they demonstrate that you had acquired those and when?

Tim Thulson said the density would be reduced pro-rata -- if 20 units were to go off-site then the density on-site would be reduced pro-rata; they believe that this would require preliminary plan amendment; and they believe they can do that while mitigating Phase I and the 10 units on-site would be in the first phase. Ten would be in each of the 3 phases. This affordable housing has evolved as they are in the process. They would like to conform as to the final regulations that are adopted by the County Commissioners and it looks like there will be the need for a management agreement with the Garfield County Housing Authority if they are adopted. They are willing to comply with that fully.

Ron Heggemeier - if we take units off-site the density would be lowered. If they have to do a preliminary plat amendment if the 20 were moved off-site, then if the 10 were considered to be the phase I requirement, then if there was anything relative to helping the agency with startup funds, that would be find. What he doesn't want to do is to get caught where he has to chase back through this process without being able to get started.

Don DeFord said if off-site required the preliminary plan amendments and also required an adjustment in a zone district, which would they be willing to process a preliminary amendment and PUD amendment simultaneously if that was required.

Ron Heggemeier said yes and they would do that right away. He stated he hoped this wouldn't prevent them from getting started on Phase I.

Don DeFord - in regard to the first phase, assuming you do the 10 on-site units, will those have to be included as part security as common elements or how do they intend to assure those will get built?

Ron Heggemeier -- on phasing one - if they are required to do 10 they can not come and process another plant until this is addressed. The Affordable Housing Subcommittee is bringing forth to the Commissioners that it isn't necessarily fixed to be a two-bedroom house, a three bedroom, or a four -- they give different credits for the different number of bedrooms created. It's going to depend on the developer as to how much buy-down it takes from the price they come out with to get it down to that affordable number.

Don DeFord -- so in terms of the specifics on acquisition, housing type and the actual presence of the housing, are they willing to address this in a preliminary plan amendment.

Ron Heggemeier -- yes and all the recommendations of the regulations.

Ron Heggemeier - summary - Mr. Wright asked them to stay 100 feet away from the wells in Westbank with any golf pro cue boxes -- they have stipulated to that. Secondly, on the particular lots they have asked the set back requirement that Michael Erion pointed out; all building sites have been moved as close up to the front of the lots as allowed by the County setbacks. Ron summarized the problem they have in moving the building envelope further away from the riverbank saying it would require the road being moved and then there are geotechnical issues to address. Joe Hope verified that all the river homes are 50 feet from the wetlands. On the height limitations -- a view study was completed and determined that only one house's view would be blocked and therefore, on those lots where his view could potentially be blocked, they limited the height to 25 feet and on all the others they have asked for 35 feet which is the same height at Aspen Glen presently. Ron said -- on the Blue Herons - there is a single nest on their side of the river near lots 95 and 96. They have known this from day one and there is no new information about that nest. The main part of the Rookery is on the other side of the river on Sander's Ranch property. From the beginning Rose Ranch has agreed with Kevin Wright and worked extensively to develop a screening plan along these lots as they would view across to the main Rookery. 2) They have also been pulled those building envelopes as far forward on the lots as they can possibly do. 3) They have agreed to limit house construction on those lots from 2/15 to 5/31 of each year so no construction activity can take place on

those. 4) Ron stated he would not do this by pointed out that under the Federal Migratory Bird Act -- after those birds leave the nest, the owner of property can go cut the trees down and destroy the nest. That's not a violation of law. What's a violation of law is disturbing the nest when they are either fledglings in or eggs in the nest. Ron said they have agreed to install artificial nesting platforms in a specific area as well knowing that might be the potential that they could relocate, they've agreed to come into this area and put in the artificial nesting platforms. They've not asked the Conservancy to do it although they said they were -- this is our responsibility to install those. They are types of platforms that have been used in the Chatfield Reservoir for example where a Blue Heron will nest in the tree and kill the tree over time -- after time the tree will fall down so they've come up with these artificial platforms to create other nesting sites for them. This tree in reference is currently dead and no one knows how long this tree is going to stand -- so the birds could leave anyway once the tree goes down.

Kirk Beattie said there were six nests on the east side of the river and four of the west side of the river. Ron reiterated that this was never considered the main part of the Rookery by the Division of Wildlife. Additional discussion was held on Blue Herons and the measures Rose Ranch has taken to try and protect them.

Michael Erion on the 30 degree slopes said if the Commissioners approve the request in the three areas that a condition be placed that Rose Ranch have a specific geotechnical analysis for those areas to ensure that there are no problems or concerns.

Ron Heggemeier regarding Mr. Weinberg's concern for additional traffic on CR 109 said they have agreed to put up a vegetative screen.

Rich Black for the record said that he spoke to Mr. Weinberg during the recess and basically I will go and visit him on the site and put those trees where he would like.

Susan Hassol said she was under the understanding that July was the construction start up date and if they start May 31st it is not going to be safe for the fledglings. Most of the fledglings have not been born. One of the thing that happens -- birds are affected to human activity during this time when they are young and in the nest -- the young will have just been born and in the nest at this time. If they get scared they fly from the nest and often what happens they could knock some of the young out of the nest and could be killed. So May 31st is not a comfortable date as far as protecting -- if you are interested in protecting the birds in those nests. Also the Migratory Bird Coordinator told me that the nests are protected all year long so that it would be a violation if you went in and cut down the tree after the nesting season was over.

Kirk Beattie of Beattie Natural Research Consulting said in regard to Susan's second comment -- he talked to the special acting agent for the Division of Law Enforcement U. S. Fish and Wildlife Services in Washington, D. C. yesterday and as I knew back when I used to teach wildlife law enforcement that you can legally destroy the nest if they are not occupied at the time either by eggs or fledglings. In fact Paul Cloud of Fish and Wildlife Service in D. C. reiterated that to me yesterday that some developers around the country have gotten by-passed the Endangered Species Act the MBTA etc. by going in there during the non-occupancy period and essentially cutting down the trees. It doesn't give you very good press in the newspaper but it's been done. I guess I'll disagree with that comment. As far as, essentially the birds are most sensitive from the beginning of the courtship process -- they become less sensitive as time goes on during the egg laying, incubation, the fledgling and the flighting -- in other words there is a lot of literature to suggest that as time goes on the birds are less sensitive. I went out to the Rookery west of the river yesterday and I wrote a couple of reports for the Planning Commission -- a lot of times you can take what you read with a little half-truth so I like to go out in the field and do my own demonstrations. There were two birds incubating on two of the four nests west of the river yesterday. I just parked my pickup truck about 50 feet away, pulled out a 2x4 proceeded to pound 50 heavy nails into the 2x4 just to see what the reaction would be. I guess if they had flown away I could have been sighted for criminal violation of the MBTA but the two birds just looked in my direction and proceeded to incubate. I got back to my truck, drove off and watched them for an hour and they did not fly from the nests. I still think the May 31st time period is realistic as far as beginning construction.

Ron Heggemeier said he did check and the staff report went to the Planning Commission. Mr. Wright's comments were in for lots 94, 95 and 96. So we had agreed to limit construction on those lots also.

Ron Heggemeier regarding Steve Anthony's letter for grass seed said he would like the consultant for the golf course seed specialist to handle this and also said they do not have any problem on the change of the straw; he assured the Board they did identify the thistle and identified that some treatment would be needed for them so there is no need for a pre-disturbance noxious weed survey. If the Board was going to ask them to do another survey they would like to do it on non-disturbed ground not on disturbed ground.

Victoria Giannola - asked to submit Rose Ranch's illustrative plan as an Exhibit.

Chairman Martin entered Exhibit N into the record.

Commissioner Stowe on the 30 degree grading -- these would need the geotechnical specific site analysis on these areas referenced.

Ron Heggemeier said they will agree to a site specific geotechnical analysis.

Joe Hope - said on the area far east, a small area down on the bottom that is up on the upper mesa where 30% grading would be done. They are laying back the revenue and it will be less than 30% when they are completed.

Ron Heggemeier said they will stipulate to site specific geotechnical on this as well.

Encroachment on the right-of-way

Don responded that the original requirement on the PUD did address this issue but if not then this will need to be addressed at preliminary plan.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

Motion

Commissioner McCown made a motion to approve the application for the Planned Unit Development Zone District Text and Planned Unit Amendments for Rose Ranch including conditions as follows:

Affordable Housing - continue with the applicants proposal allowing 10 units per phase -- first ten units preferable built on site then as the regulations are presented by the Committee serving with the Housing Authority to the Commissioners and such regulations are adopted off-site mitigation would be a possibility on the other 20 units; and the reduced of the overall density of the PUD would be reduced pro-rata. I think that we would need to consider the possibility of cash-in-lieu also in this recommendation but the first 10 units of this should be built on-site in first phase.

Second thing I would like in my motion and probably the more discussed issue today is the setbacks. From what I've heard today on riverbank setbacks, setbacks from wetlands -- I feel that the applicant's proposal for variances on Lots 28, 85, 84, 82, 63, 83 and 86 seem to be adequate.

I think that the testimony and stipulation so noted by the applicant today also be included in this motion, both on the types of grasses being used, the weed-free hay etc, etc, that have been stipulated to by the applicant; the 100 foot setback on wells at Westbank -- all those be included; and the 30% grading that was stipulated to on Michael's recommendation anything that would require over a 30% grading would require a site specific geological testing.

Building height - Commissioner McCown said he would still go with the 35 foot building height with the exemption of those lots that were mentioned -- there were seven of them -- item 6 -- Lots 23, 25, 34, 35, 61, 62, 65, and 66 -- these lots would be restricted to 25 foot -- all other lots would be allowed 35 foot height.

Commissioner Stowe - seconded the motion.

Discussion

Chairman Martin said this was a difficult motion but there is one area he disagrees with and that is the setbacks -- these need to be a little more defined and I know that we went with a lot of things trying to define those; again the applicant has asked the Commissioners to define that and this has not been done yet in his opinion. I think that it should be 100 feet from the -- where the soil changes and it goes to vegetation being one area -- is the water line or the water mark -- that is riverbank to me -- also the change in elevation where the water does not rise above is a riverbank and also where it passes the wetlands and has another elevation rise as a riverbank -- that wetlands is in the riverbank and I think it should be defined that way as a 100 feet set through all those definitions. This is a difficult area for the applicant to deal with but he thinks that is what we originally said 100 feet and should stick with it -- that is the only disagreement he has with Commissioner McCown's motion.

Commissioner McCown -said if he has to defend his motion - the level of comfort he got was the testimony he heard to day was that there was a minimum of 50 foot setback of any building envelope of any wetland area. And the wetland area can be any number of feet from the river, so he said he felt that we did under this presentation and those numbers and exclusions of these lots from those 100 foot setbacks that we had the safe buffer because they were still beyond the 50 foot wetlands area to the closest edge of the building envelope.

Commissioner Stowe stated that this was his understanding after today's conversations too. Also what the Commissioners originally discussed and what was represented today is that you are 100 feet from you originally perceived that river bank to be even though that now we have redefined that riverbank you're

actually closer. So on a given day when water is low clear up to the water's edge, realistically, there would be 100 feet -- plus.

Vote: Martin - aye; Stowe - aye; McCown - aye.

## **AND (2) PRELIMINARY PLAN SUBDIVISION REVIEW**

Don stated the Preliminary Plan is the in the same manner as he earlier addressed and has been properly noticed and posted.

Chairman Martin swore in the speakers.

Victoria Giannola said that she would like to enter the Exhibits C - Garfield County Zoning Resolution; Exhibit D - Garfield County Subdivision Regulations; Exhibit E - Garfield County Comprehensive Plan; Exhibit F - the applicant's submission and all supplements to date; and Exhibit G - the staff report and all exhibits.

Chairman Martin entered Exhibits A - G into the record.

Exhibit H - Rose Ranch Presentation - Illustration of the Preliminary Plan

Chairman Martin entered Exhibit H into the record.

Jim Delay of Norris/Delay - gave a visual presentation regarding the Amendments.

Victoria Giannola mentioned this was the preliminary plan review and the applicant is Rose Ranch. The plan is for 322 units on a 440 acre tract. Victoria briefly reviewed the staff report and she stated that the staff concurs with the conditional approval with Planning & Zoning.

### ***Asphalt Inches***

Victoria mentioned that the inches of asphalt should be 4".

Ron Heggemeier stipulated to that for CR 109 and CR 154.

Don DeFord said as we go forward with the conditions of approval on the Preliminary Plan that it should indicate that the changes in Preliminary Plan conditions of approval must be consistent with the PUD Amendments.

Ron Heggemeier summarized that the Board was simply asking that the Preliminary Plan conform with the PUD.

Don DeFord said yes.

Michael Erion commented on two items -- 1) If it is not already a condition he suggested was to have Rose Ranch get their final confirmation from the Corps of Engineers on their nationwide permit prior to their final plat.

Ron Heggemeier asked if the nationwide 26 permits being here by the time they record final plat -- will this be acceptable. They could hold the hearing, but couldn't record the plat until the permits were in hand.

Don mentioned he thought this was handled and that there would be a representation from the Corps that the nationwide permit could be obtained.

Michael Erion stated that this is what they have indicated but he is recommending that prior to final approval on the project that the final confirmation from the Corps be in hand.

Don inquired as to what Michael meant when he said final approval of the project?

Michael Erion -said the Corps, on nationwide permits, are preauthorized permits so the Corps issues a confirmation that this project is in conformance with those conditions set forth in their standards that authorize this activity. What they have asked Rose Ranch to do is to resubmit everything so that the Corps can take a final look at it and issue a confirmation letter that says yes we can confirm that your project is preauthorized under nationwide ---

Don asked then if Michael was recommending that this confirmation letter be obtained before they proceed further with the preliminary plan or before they tender a final plat to the County?

Michael Erion said before they get a final approval, a final plat.

Ron said what he was trying to do was to prevent delays.

Don DeFord asked if the letter from the Corps need to be included in the record of this hearing or will it be sufficiently direct that if they submit it along with their final plat submittal to the County that it will either confirm or will not confirm the availability of a nationwide permit?

Don said what is in front of the Board is a preliminary plat -- if this is approved, with conditions, the next submittal will be a final plat submitted that has to be reviewed by staff in conformance with this approval. Then if that staff review is adequate, and then only can it go to the Board for signature and recording.

Michael Erion stated prior to sending it for signature that the confirmation needs to be in the file.

Ron asked then if the permits needed to be in place before they can even submit the application for final plat.

Don DeFord said yes -- it would be a confirmation letter from the Corps of Engineers and it is important that it come in with the submittal of final plat documents so the staff will know that the design the County received has been reviewed by the Corps and is acceptable.

#### ***School District for Fees***

Tim Thulson clarified that the fees were \$200 per lot and he agreed they would pay them.

#### ***Building Envelopes - Clarification***

Michael Erion mentioned there were several lots that are 200 feet or more away from the wetland area. He asked for clarification if these building envelopes were going to stay as they are now and not moved closer to the wetland area.

Ron Heggemeier stipulated to the placement of the building sites in Lots 84, 85 and 86 -- he is not asked to move them any closer.

Joe Hope - clarified that any building envelope must be 50 foot from wetland.

Commissioner McCown referenced page 17 or 20 -- RFRHA - should C-DOT require a separate crossing at the railroad - at that time the responsibility would fall on the County - this would be tremendous impact on the county - would there be a level of participation? This was not addressed initially.

Ron Heggemeier said they would be willing to participate into the pro-rata costs for doing such -- especially if they could put it on some kind of benefit district to where it wasn't a cash outlay but it was a position against the property.

Don DeFord said the way it has been stated is what you can require legally and that's a pro-rata contribution. This has been discussed as a Board and the potential impact is great but we can not place upon the developer the burden of the existing development. There are no standards -- there's no amount assessed against the developer at this time but down the road -- if it's five years from now -- it will be very difficult to come back to the developer because they will be well into this project unless the developer wants to commit funds to that right now.

Ron Heggemeier said it would be hard to commit funds to something that we don't know will be built or not. He asked was a workable solution?

Tim Thulson stated they will be back for some more plats -- it could be addressed then.

Don DeFord said as an example at Aspen Glen, the County did defer a decision to each final plat for Aspen Glen the question of funding a stopped intersection where Aspen Glen enters Hwy. 82 and the Commissioners can do the same thing here. That is with each submission of each final plat, have the applicant make an affirmative address as to what their pro-rata share for a separated grade crossing would be. With Aspen Glen that has not been required at this point by the highway department so their pro-rata share is nothing until that is required. But what this means is that when they complete their last phase, they are gone -- the developer is gone and there is no commitment.

Ron Heggemeier said that they will be 7 to 8 years away before they get the fourth plat. They are already building the light at the intersection and if they build an overpass a lighted intersection will go away.

Victoria Giannola clarified again Ron's point, because of the nature of the decision the Board made on the PUD Amendment request, the items no longer pertain are items D1 of page 13 related to grading; item 6 on page 14 of 20 related to the setbacks; item 10 regarding building height on 14 of 20 and item 11 regarding landscaping and grass usage; and item 4 related to grass selection.

Ron Heggemeier asked if the railroad required a separated grade intersection, would it be possible to do a general improvement district in that area?

Don answered that it raises questions of title to that area because some history on that road and the actual railroad crossing -- what appears to be a County Road -- the railroad probably lies within the state highway right-of-way so there's a question as to whether a district could be established.

Ron Heggemeier asked if they came to the County with a metropolitan district for off-site improvements and had the authority with that end, would that be something workable.

Don DeFord said yes but it is much more difficult to get that authority for that area.

Commissioner McCown moved to close the Public Hearing. Commissioner McCown seconded; carried. Motion

Commissioner McCown made a motion to approve the Preliminary Plan for Subdivision Review for Rose Ranch with conditions following the Planning Commission recommendations to establish a structure for the collection of \$750 per unit to be issued the Roaring Fork Transit Authority for public transit facilities and

services; to require that the Army Corps permit or validation of said permit be present at the time of submittal for plans for final plat to staff for review; they stipulated to the 4" of asphalt; working on the railroad crossing -- as a condition Commissioner McCown asked Don DeFord for the verbiage he used for each review of the plats. Don recommended the working that if they want a pro-rata share that the Board adopts language or condition of approval that requires the applicant at the submission of each proposed final plat, other than the first that should occur right shortly, that they provide an analysis of the need and requirement for a separate grade crossing between CR 154 and Hwy. 82 including the position of the State Highway Department and RFRHA. If such a separated grade crossing is required, that they pay the pro-rata share of the cost of that crossing at the time of that final plat.

Commissioner McCown said he would include that in his motion. Also to be included all testimony and stipulations so given by the applicant today.

Commissioner Stowe - seconded

Vote: Martin - aye; Stowe - aye; and McCown - aye.

***Recommendation of Staff:***

A. It is recommended that the Garfield County Board of Commissioners approve with conditions the application for the Rose Ranch Amended PUD.

The proposed increase in density to meet the requirements of affordable housing does not result in substantial change to the design of the subdivision nor does it result in adverse impacts upon the site. While the applicant's request to construct ten (10) rent restricted affordable rental units and design a new zone district labeled Golf II Clubhouse Apartments should be approved, the request to provide merely price restricted lots without actual units should be denied as it is in direct conflict with the recorded resolution's condition of approval to provide affordable housing units on-site.

However, the requested text amendments regarding setbacks from the river, nonnative landscaping, and grading on steep slopes is in direct opposition to the resolution of conditional approval issued by the Board of County Commissioners. In particular, the request to conduct extensive grading on slopes above thirty (30%) percent is in direct conflict with the applicant's consulting geotechnical engineer's report which states that no grading should be considered on slopes greater than thirty (30%) percent.

Therefore, staff recommendation is approval of the proposed density increase from 292 units to 322 units with the condition that the increase in thirty (30) units consist of ten (10) rent restricted rental units within the newly designated Golf II Clubhouse Apartment Zone District and twenty (20) deed restricted affordable housing units which are to be located on the project site. All other requests for PUD Amendments are to prohibited.

B. The staff concurs with the Garfield County Planning Commission's recommendation of conditional approval with the exception of item VIII.A.6.

***Planning Commission Recommendation***

**A. Request for PUD Amendment**

The Garfield County Planning commission has put forth a recommendation of conditional approval of the Preliminary Plan application for Rose Ranch based upon the staff items listed above (which include V.A. 1,3 a-f, 4,5; B. 1a-q; C. 1 a-b; D.2,3,5,6,8, 9a-b, 10, 12,13,114; E. 1 - 12; F.1; G. 1-a-b; H. 1a-b; and I.1-11) in addition to the following items:

Complete the cart path redesign in the drainage gulch before appearing before the Garfield County Board of Commissioners and at least two weeks prior to the scheduled hearing before the Board. Obtain pre-approval for the three golf cart underpasses and the road work prior on County Road 109. Finalize copies of the indemnification agreement for securities for County Road 109 in the event of damage.

Complete all conditions outlined in the engineering review by Wright Water Engineers.

Obtain an letter of material non-injury from the Division of Water Resources regarding water rights and usage.

Establish a structure for the collection of \$750.00 per unit to be issued to the Roaring Fork Transit Authority for public transit facilities and services.

**B. Request for PUD Amendments**

The Garfield County Planning Commission put forth a recommendation of approval of the application to allow grading on slopes above thirty (30 %) percent in specified areas for the Rose Ranch Amended PUD to the Garfield County Board of Commissioners.



The Garfield County Planning Commission put forth a recommendation of approval of the application to allow planting of nonnative landscaping in accordance with the Golf Course Management Plan for the Rose Ranch Amended PUD to the Garfield County Board of Commissioners.

The Garfield County Planning Commission put forth a recommendation of approval of the application to allow setbacks on specific building lots of between 70 and 90 feet from the river bank for the Rose Ranch Amended PUD to the Garfield County Board of commissioners.

The Garfield County Planning Commission put forth a recommendation of approval of the application to allow a maximum building height of up to thirty-five (35') feet in specified areas for the Rose Ranch Amended PUD to the Garfield County Board of Commissioners.

The Garfield County Planning Commission put forth a recommendation of conditional approval of the proposed density increase from 292 units to 322 units with the condition that the increase in thirty (30) units consist of ten (10) rent restricted rental units within the newly designated Golf II Clubhouse Apartment Zone District and twenty (20) deed restricted affordable housing units which are to be located on the project site.

***EMS Grant***

Commissioner McCown moved to authorize the Chair to sign a letter of support for the EMS grant. Commissioner Stowe seconded; motion carried.

***Lease of Space - C-DOT Contract***

Ed said he had the Contract with C-DOT for the rental space located at Park Avenue and West 11th Street in Rifle -- 2,880 sq. ft.. for \$80 a month.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the lease with C-DOT described as the Rifle Maintenance Site; carried.

***Adjourn***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn. Motion carried.

Attest:

Chairman of the Board

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**MAY 10 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 10, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**COUNTY ATTORNEY'S UPDATE**

County Attorney Don DeFord gave his report that included the need for an Executive Session to discuss RFRHA, the Medical Contract for the Jail and Community Corrections - Litigation.

***Community Corrections, RFRHA and Medical Contract for the Jail - Executive Session***

Commissioner Stowe made a motion to go into Executive Session. Commissioner McCown seconded; motion carried.

Commissioner McCown made a motion to come out of Executive Session. Commissioner Stowe seconded; carried.

**ADMINISTRATOR'S UPDATE**

County Administrator Ed Green gave his report that included the following items:

***Accounting System Conversion***

The accounting system made their conversion all except the general ledger and that is today. The staff is pleased with the changes made to the software. The check printer - Rocky Mountain Check Printing Firm went out of business. The two new firms contacted have agreed to furnish check stock by May 20, 1999. Ed reported there are 80 payroll checks left and the others would need to be handwritten if efforts fail and time-frames are delayed.

***Office Space in Rifle***

Dale and Ed looked at property located at 139 East 3rd. An offer of \$900 a month without tenant finishing was made. Ed said it will take about 6 weeks to do the tenant finish. Plumbing and electricity are substandard. Ed said Meisner will continue to look for space.

***Contract - Bob Johnson***

Ed delivered the contract to Bob Johnson; by Thursday he projected to have a signed contract.

***Jail System Conversion - Training - 2 Day***

Dale Hancock and Jim Sears attended the Jail System Conversion in Utah. Dale recommended that everyone involved in the conversion needed training. Perriman and Sello will come here and provide a two-day session for \$3500. Tom Dalessandri was very supportive of this training. Dale said some of the training includes procurement of items and jail construction.

The Commissioners agreed that this training will be beneficial.

Commissioner Stowe moved to approve the training session. Commissioner McCown seconded. Motion carried.

***Social Services - Single Entry Point Program***

Colette Barksdale presented the current contract with the State Department for the Single Entry Point Program -- Colorado Options for Long Term Care. She stated that the State sent an addendum with an additional \$20,000 to spend on this contract.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Chair to sign the change order as enumerated by Colette for the Single Entry Point Program; carried.

***Baxter Pass - Rio Blanco and Mesa Counties - Cooperative Agreement***

King Lloyd passed out a memorandum that addresses the cooperative maintenance on Baxter Pass and explained that this is a little over 18 miles that Garfield County would be responsible for. King is attempting to get Mesa County and Rio Blanco to participate in the maintenance of this road. Rio Blanco is agreeable to participate but he hasn't heard back from Mesa County.

Ed said he would follow up with Mesa County.

Chairman Martin suggested keeping track of the time involved for future billing if Mesa County did not want to work cooperative with Garfield County.

King will provide the maintenance, track the service time and a decision may possibly be that the County will bill Mesa County for the service.

Ed said his position would be say to Mesa County -- support Garfield County on Baxter Pass or Garfield County will bill you.

Commissioner McCown said he had talked to two of the Mesa County Commissioners and politically there was not a problem -- there is just a breakdown in communication somewhere. He has also talked to Commissioner Don Davis from Rio Blanco about a commitment on the north side of Baxter Pass.

#### **RIDING ARENA BID AWARD DISCUSSION**

Ed Green mentioned that Bob Szrot discovered a major problem with the specifications after he attended a training this past week. Sometime this week Bob will go to the three finalists and ask them to re-bid the steel.

#### **COMMISSIONER'S MEETING ROOM FURNITURE DISCUSSION**

This was postponed and Bill Slattery will be presenting next week.

Commissioner Stowe said he met with Bill Slattery last week and informed him the cost of the design he presented was about twice as much as they planned to spend.

Ed suggested pre-manufactured furniture.

Chairman Martin suggested to look for used furniture as well.

#### ***Y2K -- Employees -- Emergency Provisions***

Mildred Alsdorf presented a potential personnel question if in fact there is a Y2K emergency status and regarding employees, if there is no way for them to come to work, no lights, etc. would they use their PDO's or how can this be handled?

Ed said Administrative Leave has been imposed with pay in his previous employment exposure.

Commissioner McCown mentioned there was a provision in the Personnel Policies.

Discussion was held on the various scenarios.

Some employees will be designated as emergency employees. In this instance, how will they be compensated? Regular rate of pay for time worked, time and a half, time-off compensation, or what?

The Commissioners asked Ed to start discussion regarding this Y2K compensation under the emergency provisions through the Personnel Committee.

#### ***Handicapped Individuals - Access to the Courthouse***

There is currently no way to get the door open for the handicapped at the East Entrance to the Courthouse.

Commissioner McCown directed Ed to look into this problem.

#### **PUBLIC HEARING: LIQUOR LICENSE APPLICATION NEW CASTLE KOA**

Mildred Alsdorf, Don DeFord, and George N. Janes of 0581 CR 241, New Castle were present.

Mildred swore in the speakers.

Mildred presented the public notification printed in the Citizens Telegram. George Janes presented the sign and stated that it was posted.

Mildred stated the applicant had been investigated and no felony record was found.

Mr. Janes filed his application and purchased the KOA Campground. He wanted to only have 3.2% beer and wine coolers for sale at the store at the present time.

The Sheriff has had no problem with the KOA in the past.

George Janes explained the opening date would be on Memorial Day weekend and they would have dinners on Friday and Saturday night only. The 3.2% beer and wine coolers will be sold in the store only and they could take them into the restaurant.

Some entertainment may be provided on Friday or Saturday such as Karoke.

Mildred mentioned that she would set up a workshop for the store workers.

Commissioner McCown suggested having off-on premises to be perfectly legal.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

George Janes asked to have a temporary permit for Memorial Day.

Mildred assured Mr. Janes that the liquor license would be back before that and there would not be a need to have a temporary license.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the liquor license for KOA Campground for 3.2% beer and wine coolers for off-on premises; carried.

### ***Model Traffic Code - Discussion***

Chairman Martin asked the Board to consider pursuing adopting the model traffic code. Discussion has been held in the past over this issue.

Chairman Martin asked if the Board would consider adopting the code. Chairman Martin summarized the changes.

There is a commitment from the Sheriff to use the model traffic code.

Chairman Martin asked to have the County Attorney to proceed with this.

The downside of implementing the Code is the purchase of the penalty assessment forms. The Sheriff's Department would be responsible for investigating accidents, solving traffic jams on County Roads and more involved with clearing debris that hinders traffic.

Commissioner McCown mentioned this would serve the County residents better as well and the funds would remain in the County and not go to the state coffers.

The State Patrol will assist in accidents on County Roads. They maintain the authority to investigate the accidents as well on County Roads.

Mildred reminded the Board that a public hearing would have to be set and this would possibly be in the form of an ordinance.

Commissioner Stowe wanted to know how much more time this would require of the Sheriff's department. It was decided this needed to be studied further.

### ***Mesa County Public Works***

The Road Supervisor signed a letter to Garfield County that he was not in agreement to work out a Cooperative Agreement with the Road and Bridge on Baxter Pass.

### **COUNTY COMMISSIONERS - COMMUNITY CORRECTIONS BOARD -- JOINT EXECUTIVE SESSION -- PERSONNEL ISSUES**

Present for the discussion included: Don DeFord, Ed Green, Dale Hancock, Margaret Long, Terry Norris, Marian Clayton, Tom Dalessandri, Greg Greer, Jan Kaufman, Al Maggard, Dave Sturges and Colleen Truden.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the actions of the Community Corrections Board; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a Resolution eliminating the authority of the Garfield County Community Corrections Board to screen applicants for placement in Community Corrections facilities located outside Garfield County for other than funding availability an amendment to Resolutions 82-165 and 84-243 for the same purposes. Motion carried.

### **PUBLIC HEARING -- ABATEMENTS:**

Deputy County Assessor Shannon Hurst provided the Board with the following information regarding the abatements:

GEORGE & JUDY L. FERGUSON - \$1,121.90 Error -- vacant land versus residential.

ALAN D. ENSTROSS - \$1,229.97 Error -- vacant land and should have remained in agricultural.

JASPER, ROBERT FREDERICK AND ANDREA BASSO, TRUSTEES - \$1,788.17 -- Error -- vacant land and should have remained in agricultural.

ASPEN GLEN GOLF COMPANY - \$17,050.73 -- Error -- changed from residential to commercial and should not have taken place until January 1, 1999.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the abatements as presented; carried.

### **CONTINUED CR 109 CONTRACT AWARD**

Don DeFord, Ed Green, Bob Szrot, King Lloyd, Jim Leuthueser were present.

The terms for two properties belonging to Barbara Snobble and James and Connie Mara Bazley have been rectified and Don asked the Board to go forward accepting easement deeds from these parties..

Don explained that Wilson Trust and Coryell Ranch and Sue Rogers' properties do not have closure.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the two Resolutions vacating a portion of the public road right-of-way (CR 109) and accepting easement deeds as new public right-of-way in the properties as described by Don DeFord; and to continue the awarding of the CR 109 contract until May 17, 1999. Motion carried.

A new date was set for May 17 at 11:00 A.M.

### **CONSENT AGENDA**

APPROVE LIQUOR LICENSE RENEWAL: KUM & GO LLC -- PARACHUTE

APPROVE LIQUOR LICENSE RENEWAL: CITY MARKET NO. 28 -- PARACHUTE

APPROVE LIQUOR LICENSE RENEWAL: CATHERINE STORE -- CARBONDALE

APPROVE LIQUOR LICENSE RENEWAL: RELAY STATION -- CARBONDALE

APPROVE LIQUOR LICENSE RENEWAL: RED ROCK DINER -- CARBONDALE

APPROVE LIQUOR LICENSE RENEWAL: THUNDER RIVER INC. -- GLENWOOD

SPRINGS

APPROVE EXTENSION OF LOS AMIGOS RANCH FILING 6-10 PRELIMINARY PLAN

Mark Bean requested American Soda Resolutions need to be changed in some of the language and asked that they be postponed until next Monday.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to removed the American Soda Resolutions until next Monday but to proceed with the other items on the Consent Agenda.

Discussion

Chairman Martin wanted to bring up the 800 acres in Los Amigos that need to stay as open space; should the Board add density to their acres. He added that the first filing maintained the 800 acres of open space but nothing since.

Mark said the original conditions to the approval remain in place.

The Board conceded that this could be dealt with later.

Vote: Motion carried.

#### ***Airport Manager***

The Commissioners requested that Ken Maenpa come before the Board and provide a scenario of the options he has identified as priorities.

#### ***Weed Management Director***

The Commissioners suggested that Steve Anthony be called in to provide the same as the Airport Manager.

### **NOTICE OF APPROPRIATION CHANGE OF 1999 BUDGET**

Don DeFord, Dale Hancock, Allen Sartin and Ed Green were present.

Allen presented the budget changes for 1999 containing Exhibit A - Z. Allen stated This is part of the management policy the Commissioners' adopted. This was initiated in March for departments to submit their supplemental requests. These reports include those changes.

Mildred Alsdorf noted a correction in her submittal and Allen said he would make the correction.

Allen noted the other changes; said he will correct the Resolution.

Commissioner Stowe made a motion to authorize the Chair to sign the Resolution with the changes made. Commissioner McCown seconded; motion carried.

### **RESOLUTION: AMENDING THE APPROVED GARFIELD COUNTY BUDGET AND APPROPRIATIONS FOR THE FISCAL YEAR 1999.**

This will be carried over until the May 17, 1999 Board of County Commissioner's Meeting.

**CONTINUED PUBLIC HEARING: REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION ON PROPERTY IDENTIFIED AS LOTS 16 & 17, SECTIONS 2 & 3, T8S,R88W, GENERALLY LOCATED ONE MILE NORTH WEST OF CARBONDALE. APPLICANT: MJN LAND INVESTMENTS**

The applicant is requesting a continuance to May 17, 1999.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the continuance until May 17, 1999 at 1:30 P.M.; carried.

**CONTINUED PUBLIC HEARING: REQUEST FOR APPROVAL OR DENIAL OF A SUBDIVISION PRELIMINARY PLAN IN CONNECTION WITH PROPERTY LOCATED: LOT 3, TOWN CENTER, FILING NO. 1 BATTLEMENT MESA PLANNED UNIT DEVELOPMENT, 200 FEET EAST OF THE INTERSECTION OF SPENCER AND BATTLEMENT MESA, PARACHUTE, CO. APPLICANT: ALPINE BANK**

John Barbee, Debbie Dooley of Schmueser Gordon Meyer, Bob Emerson Attorney for Alpine Bank and Tom Beard Battlement Mesa were present.

John said this is a request for a preliminary plan review for Alpine Bank on a 2.83 tract of land located in the Battlement Mesa PUD, Lot 3, Town Center, Filing 1. The application proposed to split Lot 3 into two lots of 0.608 and 2.222 acres. The southern portion of the lot is the site of a new Alpine Bank currently under construction. The applicant has indicated that the size of Lot 3 is in excess of that required by the bank. Increasing the commercial density through subdivision appears to be a reasonable request.

Recommendation:

The Planning Commission recommends APPROVAL with the following findings:

That the Alpine Bank Preliminary Plat application conforms with the Goals, Plans and Policies as set forth and adopted in the Garfield County Comprehensive Plan of 1984; with the Battlement Mesa Planned Unit Development as approved; and with the technical requirements of the Garfield County Zoning Resolution of 1978, a.a., and Garfield County Subdivision Resolution of 1984 a.a.

The applicant shall move the division lot line to increase the total area of Lot 3A to meet the County requirements.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the application made by Alpine Bank located in Battlement Mesa with the recommendations of staff striking F in the staff report regarding school impact fees which do not apply also as a condition that the exact acreage be defined; motion carried.

**REQUEST FOR EXEMPTION FROM THE DEFINITION OF SUBDIVISION ON PROPERTY LOCATED IN THE SE 1/4 SE 1/4 OF SECTION 20, TOWNSHIP 75, RANGE 87W, WEST OF THE 6TH P.M., NORTH EAST OF HWY. 82 SOUTH OF CR 102. APPLICANT: M.F. WILENTA, INC.**

The applicant withdrew.

**PUBLIC HEARING TO REQUEST LANGUAGE CHANGES/PROPOSED AMENDMENT TO GARFIELD COUNTY ZONING RESOLUTIONS (SECTIONS 5.09 AND 4.07) - AFFORDABLE HOUSING REGULATIONS AND**

Jim Leuthueser, Don DeFord Victoria Giannola, Tom Beard, Bob Schultz, Mark Gould, Margaret Long, Calvin Lee and members of the Affordable Housing Task Force were present.

Don determined that adequate notification and publication was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Victoria presented the following Exhibits for the record: Exhibit A - Public Notification; Exhibit B - Application; Exhibit C - 2 staff reports; Exhibit D - Garfield County Zoning Resolution; Exhibit E - Garfield County Comprehensive Plan; Exhibit F - a study of residential use patterns and Exhibit G - second study showing work force generation.

Chairman Martin accepted Exhibits A - G into the record.

Victoria stated that this is a request to adopt the Affordable Housing Guidelines to further specify the requirements of the Garfield County Affordable Housing Regulations of 12 December 1998. The sections of the Garfield County Zoning Resolution of 1978 as amended 9 December 1997 are 5.09 and 4.07. It is Study Area I that these Regulations address.

The Comprehensive Plan addresses the fact that affordable housing is addressed.

She reviewed the staff report dated 5/5/99 and submitted to the Board of County Commissioners the Public Hearing.

There are 1.8 construction jobs are created for every \$100,000 value of home construction.

The requested action from the *Garfield County Planning Commission* is to APPROVE the application for the proposed Guidelines of the Garfield County Affordable Housing Regulations to the Board of County Commissioners based upon the four (4) conditions as listed below:

The language "and/or" shall be deleted from Section I.A., Section VI.C. and Section IX and replaced with "or" to avoid any ambiguous and arbitrary application of the guidelines.

The language "shall request" shall be deleted from Section III.A in the opening paragraph and replaced with "may request" to allow an applicant to submit documentation which pertains to their individual housing situation.

The language "the last year (for prospective renter)" in Section III.A.1 of the opening statement shall be deleted and replaced with "the last two (2) years (for prospective renters)" to be consistent with the requirements of prospective purchasers.

The language "may be rented" shall be deleted from Section VIII.B and replaced with "shall be rented." In addition, the language "for qualification" shall be inserted after "Guidelines."

AND -----ACTION NO. 2

## **AMENDMENTS TO THE ZONING AND SUBDIVISION RESOLUTION TEXT OF THE AFFORDABLE HOUSING REGULATIONS**

The *Garfield County Planning Commission* put forth a recommendation of conditional approval of the application for the proposed amendments to the Garfield County Affordable Housing Regulations to the Board of County Commissioners based upon the eleven (11) conditions of approval as listed below:

### **A. Garfield County Zoning Resolution of 1978 as amended, Section 4.07**

All statements including "and/or" as contained in Section 4.07.14(1) shall have those conjunctions deleted and replaced with "or" to avoid discretionary use of the requirements from one applicant to the next.

The statement "However, no affordable housing unit may have more than 3 bedrooms per unit" shall be deleted from Section 4.07.15.03(1) since the following statement in that section does allow for more than 3 bedroom by special review.

Section 4.07.15.03(1) shall contain specific standards by which a "special review" is considered to ensure equal application and protection for every applicant.

Section 4.07.15.03(3) insert the clause "if the entity managing the property has an interest in the property" at the end of the first sentence. The inclusion of this clause will provide a public interest in rental property in order to justify the rental restrictions imposed by the regulations.

Language must be developed in the Garfield County Zoning Resolution to allow for the provision of a ten percent density bonus without the submission of a PUD as is called for in Sections 5.09.05.01(3) and 5.09.02(3).

### **B. Garfield County Zoning Resolution of 1978 as amended, Section 5.09**

All statements including "and/or" as contained in Section 5.09.04(1) shall have those conjunctions deleted and replaced with "or" to avoid discretionary use of the requirements from one applicant to the next.

The statement "the value of capital improvements authorized by the Housing Authority, and" contained in Section 5.09.04(2) shall be deleted. This reference to approval by the Authority is ambiguous and without any discrete regulations for the Authority to follow with consistency from one applicant to the next.

The provision to allow for another approved housing agency shall remain in Section 5.09.04(3) to allow for another agency to assume the responsibilities of the Authority should the Authority no longer be able to provide such services. The provision shall read as follows: "Ongoing management of the deed restrictions will be administered by the Garfield County Housing

Authority, or by appointment of services, according to an agreement brought forward by the applicant and approved by the County Commission."

The statement "However, no affordable housing unit may have more than 3 bedrooms per unit" shall be deleted from Section 5.09.05.03(1) since the following statement in that section does allow for more than 3 bedrooms by special review.

Section 5.09.05.03(3) shall contain specific standards by which a "special review" is considered to ensure equal application and protection for every applicant.

Section 5.09.05.03(3) shall insert the clause "if the entity managing the property has an interest in the property" at the end of the first sentence. This clause will provide a public interest in rental property in order to justify the rental restrictions imposed by the regulations.

### ***Staff Recommendation***

The ***Staff of the Planning Department*** has the following additional concerns regarding the provision for the transfer of affordable housing to off-site locations:

The provision in Section 5.09.05.01(2) and Section 4.07.15.01(2) of the proposed amendments to allow for off-site housing for areas designated High Density Residential in the County Comprehensive Plan should be deleted since this provision is in direct conflict with the justification for the creation of the Affordable Housing Regulations in Garfield County. Removal of this requirement would eliminate a primary argument used to support this County regulation. Sections 4.07.15.02(2) and 5.09.05.02(2) must contain language to address specific standards by which a proposal for off-site housing would be evaluated by the Commission and the Board. Without such standards, the Commission and the Board may be arbitrary in their application of this section from one applicant to another. The standards as listed below are recommended.

The applicant proposing off-site affordable housing units must submit, with the preliminary plan application to subdivide, evidence that the developer has:

- { completed all preliminary site design and planning;
- { submitted for preliminary plan review the development design proposal;
- { provided all forms of deed restrictions on both the lots and their units;
- { proposed a viable method for securing all financing for construction;
- { proposed all marketing strategies;
- { supplied the number, type, and configuration of units; and
- { submitted evidence to perform all roads, water supply, and sewer service needs for the off-site housing units.

In addition, the applicant must demonstrate that the off-site location will:  
be situated within walking distance of, or on a public transit route to, an employment center or an urbanized area;  
be situated on land that is physically suitable for community development;  
demonstrate that the deed restricted affordable housing units shall be ready for occupancy no later than the date of initial occupancy of the free market portion of the project -- if the free market housing units are to be developed in phases, then the affordable housing units shall be developed in proportion to the phases;  
demonstrate that 20 percent of the need for housing of the service workers that will be generated by the proposed land use will be met on-site.

3. Section 4.07.15.03(1) and 5.09.05.03(1) shall contain the specific standard that up to a maximum of six (6) bedrooms shall be permitted in a single unit through the "special review" process.

4. The ten percent density bonus permitted without the submission of a PUD as is called for in Sections 5.09.05.01(3) and 5.09.05.02(3) should be omitted since language must be developed in the Garfield County Zoning Resolution to allow for the provision of a density increase.

5. The Affordable Housing Regulations should contain a definition of unit such as "a building used for residential occupancy which meets current County Building Code, not classified as a mobile home, and which contains one (1) complete kitchen, at least one (1) complete bathroom, at least one (1) living area, and from one (1) to six (6) bedrooms which is to be occupied by a single family living independently of any other family."

6. The Affordable Housing Regulations should



contain a Section 4.07.15.04 which would state that "any Planned Unit Development Amendment request which results in an increase in density shall be subject to these regulations."

Applicant:

Tom Beard and Calvin Lee presented for the Affordable Housing Task Force. Two Exhibits H -- Proposed Changes to Resolution and Exhibit I - Draft Guidelines were passed out.

This is the language recommended by the Task Force:

**Standards for Evaluating Proposals for the Location of off-site Affordable Housing Units Pursuant to Sections 4.07.15.01, 4.07.15.02, 5.09.05.01 and 5.09.05.02 of the Garfield County Affordable Housing Regulations.....**

In accordance with the above stated policy, all proposals for the location of off-site affordable housing units shall at the time of Preliminary Plan, be required to demonstrate to the satisfaction of the County that:

1. the proposed off-site affordable housing units are located at a site within the boundaries of an incorporated town or municipality:
  - a. serviced by publicly owned and maintained water, sewer and utility infrastructure; and
  - b. situated in close proximity or offer the opportunity for public transit to, the commercial, retail or business centers of said town or municipality.
2. if located outside the boundaries of an incorporated town or municipality, the proposed off-site affordable housing units shall:
  - a. when compared to the land ("Project Parcel") the subject of the requested rezoning/PUD, be located in within a zone district allowing greater densities and greater variety of housing types, which densities and housing types shall be consistent with the location and construction and maintenance of affordable housing units; and
  - b. when compared to the Project Parcel, be on the whole, located substantially closer in proximity to the following categories of facilities and amenities:
    - i. public schools; and
    - ii. commercial or retail centers; and
    - iii. community or public recreational parks and activities; and
    - iv. hospital and health care facilities; and
    - v. professional services; and
    - vi. public services, including fire, police and emergency services.
  - c. be serviced by centralized domestic water and sewer systems at a cost which the County shall determine is consistent with the definition of affordability herein; and
  - d. not be subject to any special assessments or changes for the upkeep of community facilities or amenities which the County determines is inconsistent with the definition of affordability herein.

Chairman Martin admitted Exhibit H into the record.

Tom Beard stated that the memo contains some recommendations by the Garfield County Affordable Housing Task Force. He explained: 1) off-site housing be allowed for areas designated High Density in the Comprehensive Plan. This would be tough mitigation and reviewed on a case by case basis by both P & Z and the Commissioners for appropriateness. 2) elimination of the cash-in-lieu option. 3) eligibility section making it more broadly applicable. 4) clarification of the determination of types of units to be created using formulas provided by the Colorado Division of Housing.

Tom Beard stated it was good policy to allow for flexibility when imposing these guidelines. The other changes were mostly termed "housekeeping" and no other large issues.

Tom Beard asked that the changes to the Resolution be made as quickly as possible.

Commissioner McCown noticed in the recommendations of the Housing Authority 4.07.14(1) the term "**and/or**" in the section of eligibility.

Tom Beard responded that the worker wherever he/she is employed is important.

Chairman Martin mentioned that supplying affordable housing for work forces outside our county was not the priority of the Commissioners.

Commissioner McCown said he was interested in taking care of Garfield County employees first.

Margaret Long commented that her concern was you could start with the worker in Garfield County and then they change jobs and are working in Basalt -- would you move that individual out?

Commissioner McCown reiterated that we need to help families who are living and working in Garfield County.

Margaret Long said she was interested in reducing stress and commute time of the workers wherever they were working. She was concerned in cutting down the commute time that parents are away from their children.

Commissioner McCown mentioned the school are having problem getting teachers; hospitals in getting nurses.

Sheila Marquez - physiologically she agrees. Her concern was adding a stressful situation if someone's status changed -- i.e. a married to a single wage earner with children -- then having to move if they no longer qualified under the guidelines.

Tom Beard said this is an ongoing project. It is needed desperately in the community and is the reason they are asking for flexibility. Their purpose is to provide flexibility.

Tom Beard said Bill Whaley from Division of Housing assisted them in drafting the amended guidelines.

Tom Smith - a lawyer in Aspen and a task force member representing the Aspen/Pitkin Housing Authority and represents the Spring Valley Subdivision whose application addresses the 10% Affordable Housing.

Leave eligibility as is but place a priority for those who live and work in Garfield County. The issue of the off-site and cash in lieu comments -- the legal rationale said there was flexibility in policy for the Board to comment. Inclusionary Zoning -- 20 years since zoning was adopted -- economic or social groups based the consideration on regional zoning. Regional housing needs were addressed by the Supreme Court. The rationale of Inclusionary Zoning was a valid consideration. The proportionally requirement and the 10% affordable housing mitigation would satisfy the test. It would greatly benefit any case that went to court.

Mark Gould - last week he heard comments when Rose Ranch was being reviewed. The data the Housing Authority compiled shows 1.8 jobs for each \$100,000 of homes built. The extra teachers, social workers, nurses, etc. that is required by the formation of this community and feel they want to mitigate what the community needs are to support this house. These workers need to take care of the entire community. The idea of mitigation for off-site housing should be considered. He urged the Commissioners to consider that these workers do not necessarily need to be on a particular site. The density required to allow the developer to get the density needed to handle a home of \$100,000 or so may not be appropriate for a rural area. He supports taking out the "or" in the "and/or" regarding employees working outside Garfield County and the developer also needs to have some plans and flexibility in his PUD.

David Mylar - an attorney on land use law and practices in the valley said he agrees with Tom Smith's comments with respect to off-site mitigation and agrees with the staff's concerns. The reasons for having on-site housing is important but providing some flexibility is important as well. The County and the Developer must agree on the flexibility. The staff's rationale is good to develop policies and standards when developing off-site options. He agreed with Mark Gould and agrees that the people working in Garfield County should have priority. He offered congratulations to Tom Beard and his committee, this Board, and its predecessors in making these steps toward Affordable Housing and said he was grateful for them making this important move.

Tim Thulson - lawyer and represents a number of developers said he agrees with Mark Gould. The Rose Ranch and Los Amigos are not communities but they are within a community. When talking about Affordable Housing -- look at it as a community basis. He recommended not to exclude retired seniors who may qualify and want to be within these affordable housing units. This proposals increases the flexibility the County has. If a Developer wants to go off-site they will have to justify this to the Commissioners.

Doug Pratt - a land planner in the valley stated he agrees with the Commissioners that these regulations should establish a priority for Garfield County residents. He feared a limit of options however that might limit the developer.

Chairman Martin said he was looking at the percentages -- were the affordable housing units being built in proportion to the new development.

Calvin Lee said this was in conjunction with the PUD development and that it does address the affordable units at the same rate as the free market units.

Jody Schroberline - Carbondale Affordable Housing Authority - commented and complimented the task force saying that this is the most diverse task force he has ever worked on and a remarkable thing about this forum was that there was more agreement than disagreement. It shows a shared concern and a willingness to find a middle ground on the different issues. What is being proposed reflects this. The "and/or" issues - we should be having housing for our community. Community is broad. He endorsed the preference system but if they live in the community they are a part of the community. Cash in lieu -- said this could be

a mechanism that supports what other groups are doing. This gives an opportunity for assistance for grants in developing Affordable Housing and encouraged the Commissioners to keep in it. The task force looked at the regulations and brainstormed as to how this would help or hinder their objectives.

Bob Schultz - excellent, very professional set of guidelines. He differs that they went beyond the task and developed the regulations. The ties to the comprehensive plan, inclusionary zoning -- (reminded the Commissioners about a Conference in Sacramento addressing the latest advances to inclusionary zoning). The task force tied inclusionary zoning to the comp plan -- the part of the comp plan calling for mixed uses in PUD's and makes it a part of the definition. This should be required in the mixed use. There is a social benefit to having the housing mixed in; inclusion where the land has the infrastructure available. The part about off-site housing placed within high densities - - they would have lost the primary tool in implementing the regulation. On mitigation -- Healthy Mountain communities is putting together mitigation for residential development in November. He suggested the Commissioners can come back and revisit this issue. With absence of this and without some new information they may be fixing something that may not be broken.

Calvin Lee addressed the legal issue of off-site building. It's no surprise that we live in a litigious society and the Commissioners need to pass a Resolution that is defensible. The regulations that have been passed and the ones proposed are defensible. Giving density bonuses to the developer -- only time is for the PUD process or rezoning -- the increases in density in zoning. So every time we are requiring the developer to put affordable housing in their PUD, they are getting a bonus -- a 10% density bonus. This is a strong argument -- you are not taking the property away without a benefit. This is one prong in a defense. It is voluntary as well in high density areas. The developer has the option of off-site so the inclusionary rule is -- you come in and convince us. A valid argument -- the community is the County and not just the development. The low density designed areas already have the flexibility of going off-site to provide this Affordable Housing. This dilutes the argument. Recently, Gabe Preston in Aspen published a study regarding the amount of additional jobs a project generated. He encouraged the Board to get hold of this study. In 1994 - Summit County justified inclusionary zoning and Montgomery County, Maryland (also on a Web Site -- Montgomery Zoning Program) passed an Ordinance where a developer got a density bonus. Monterey, California - did a similar Ordinance requiring either 10% or more on site or donate land or money in lieu. He urged the Board to pass an Ordinance of similar type and to also instruct the staff to do studies or whatever to make this work. He urged when they allow a developer to develop off-site, that the housing must be comparable in size and comparable in the high quality and value as those in the free market.

Don DeFord suggested that the Commissioners should not overlook comments by staff and the Planning Commission that studies have been done and there is a need for this board to move forward on additional studies.

Bob Schultz clarified that Maryland discourages up-zoning but if you want to increase zoning, you can apply for up-zoning. The way to do this is to participate in the inclusionary zoning. He compared Montgomery County similar to Denver and Monterey, California to Garfield County.

Commissioner McCown asked if PDR's (preserving agricultural land) was also a part of their comp plan mixed in with this affordable housing issue.

Bob Schultz responded that Montgomery County does have PDR's and they are doing some innovative things.

Calvin Lee - they are authorizing a density bonuses in PUD's and those asking for additional density.

Ed Green commented that a priority system might be workable. He also commented that if there was a changing situation -- there could be some sort of administrative process to deal with this on a case by case basis.

Calvin Lee - no provision for reviewing a for-sale unit. He added that there is nothing in the proposed amendments to provide proof that they still qualify year to year.

Commissioner McCown stated he felt there should be a criteria to get in and they should meet a criteria to stay. He added that the Planning Commission has a recommendation for a change on 4.07.15.03 Section III to add "if the entity managing the property has an interest in the property" -- if the Garfield County Housing Authority is going to be managing the property the mix of Affordable Housing types may be satisfied by Affordable Housing for rent if the entity managing the property has an interest in the property?"

Bob Schultz stated in the Telluride Rent Control Case -- the one before the Colorado Supreme Court -- there's an initial finding that is going to be challenged -- if the local entity did not have an interest in it, then

they didn't have the right to the State Constitution to control the rent. So one of the ways to deal with that local government is to establish some sort of an interest in it even it's just a paper interest that then allows them to direct the rents.

Commissioner McCown inquired then if there was a method in place to transfer interests be it on paper or whatever so that the Housing Authority would have an interest?

Don DeFord indicated yes.

Tom Beard indicated that this would similar to a soft second.

The requested action is Approval of the action with the 11 recommended conditions of staff as identified below.

Tom Beard said this goes beyond the Task Force to the Housing Authority. He asked that Exhibit I - Task Force Housing Authority - Draft Guidelines be admitted.

Chairman Martin submitted this as an Exhibit.

Tom Beard mentioned that there were holes in these guidelines but the Task Force was attempting to meet a deadline given to them by this Board of commissioners. He felt that if they could have an extension of 45 - 60 days they could give the Board a full set of guidelines.

Motion

Commissioner McCown mentioned that the Board is the one that set the time line and directed Tom Beard and his committee to have these items before the Commissioners on a drop-dead date and before any action or make recommendations he commended each one on the contributions and commitment they have made noting it was all volunteer work. He added that this Task Force has brought before the Commissioners a diversified background and cross representation of every aspect that could be possibly be represented in the County. He said he was inclined to recommend adoption of the regulations as proposed by the Task Force with some corrections and one would be changing the recommendation "**and/or**" on eligibility leaving it as "**and/or**." Not taking the "and" out but leaving "and" in so it would give the flexibility to create a rating system for Garfield County employees.

Commissioner McCown mentioned that -- also the recommendations of the Planning Commission -- he didn't find any that were contradictory except No. 1 - suggested deleting that -- and the housing one No. 2 (page 4 of 7 pages) and scratching No. 1 and No. 2 (on page 5 of 7 pages).

Calvin Lee said the Housing Authority has no objections to No. 3 (on page 5 of 7 pages).

Discussion was held regarding whether or not the Planning Commission recommended leaving in "cash in lieu" as an option.

Victoria commented that their final motion did not include "cash in lieu" in their recommendation.

Commissioner Stowe seconded.

The motion was clarified by Chairman Martin and what was included up to this point is included below as follows:

#### **Section 4.07**

omit

omit

Section 4.07.15.03(1) shall contain specific standards by which a "special review" is considered to ensure equal application and protection for every applicant.

Section 4.07.15.03(3) insert the clause "if the entity managing the property has an interest in the property" at the end of the first sentence. The inclusion of this clause will provide a public interest in rental property in order to justify the rental restrictions imposed by the regulations.

Language must be developed in the Garfield County Zoning Resolution to allow for the provision of a ten percent density bonus without the submission of a PUD as is called for in Sections 5.09.05.01(3) and 5.09.02(3).

#### **Section 5.09**

omit

omit

The provision to allow for another approved housing agency shall remain in Section 5.09.04(3) to allow for another agency to assume the responsibilities of the Authority should the Authority no longer be able to provide such services. The provision shall read as follows: "Ongoing management of the deed restrictions will be administered by the Garfield County Housing Authority, or by appointment of services, according to an agreement brought forward by the applicant and approved by the County Commission."

The statement "However, no affordable housing unit may have more than 3 bedrooms per unit" shall be deleted from Section 5.09.05.03(1) since the following statement in that section does allow for more than 3 bedrooms by special review.

Section 5.09.05.03(3) shall contain specific standards by which a "special review" is considered to ensure equal application and protection for every applicant.

Section 5.09.05.03(3) shall insert the clause "if the entity managing the property has an interest in the property" at the end of the first sentence. This clause will provide a public interest in rental property in order to justify the rental restrictions imposed by the regulations.

Don DeFord commented that the staff's recommendations No. 4 - No. 5 and No. 6 (on page 7 of 7 pages) should be included in Commissioner McCown's motion due to the fact that currently there are no guidelines in the Garfield County Zoning Resolution to allow for the provision of a density increase -- as follows:

4. The ten percent density bonus permitted without the submission of a PUD as is called for in Sections 5.09.05.01(3) and 5.09.05.02(3) should be omitted since language must be developed in the Garfield County Zoning Resolution to allow for the provision of a density increase.

5. The Affordable Housing Regulations should contain a definition of unit such as "a building used for residential occupancy which meets current County Building Code, not classified as a mobile home, and which contains one (1) complete kitchen, at least one (1) complete bathroom, at least one (1) living area, and from one (1) to six (6) bedrooms which is to be occupied by a single family living independently of any other family."

6. The Affordable Housing Regulations should contain a Section 4.07.15.04 which would state that "any Planned Unit Development Amendment request which results in an increase in density shall be subject to these regulations."

Don DeFord suggested the following be included in the motion made by Commissioner McCown in Section 5.09 as follows: "

Bob Schultz offered to volunteer his time, due to the flaw where the 2 acre minimum is mentioned, to work with Don DeFord to set an administrative procedure. He added if the developer is pushed into the PUD category, no unit will ever get built. The only way anybody is ever going to use this is if there is a clear cut process that doesn't require them to get bounced around in the public process so if we want this to happen and actually create housing, it has to be clean and simple and allows them the same rights they have under their underlying zoning. If they have to go into some other process that has a lot of intangibles, from the landowner/developer side of the table, they would be insane to pursue that because now you've opened Pandora's Box of meeting public comment and there are too many risks involved for a reasonable person to want to go into that. There is a solution out there and he again volunteered his time to work on this process.

Commissioner McCown amended his motion to include those three -- 4, 5, & 6 as Don DeFord stated.

Commissioner Stowe amended his second.

Vote: Motion carried.

## **2) PUBLIC MEETING TO REQUEST THE ADOPTION OF THE PROPOSED AFFORDABLE GUIDELINES**

### ***Adoption of the Proposed Guidelines***

Tom Beard stated that in Exhibit H -- the intention was to quickly put something in place and therefore the Task Force forced the development of these proposed guidelines but would like to have some time -- possibly 60 days in which to present a final set to the Commissioners.

Don DeFord commented about the guidelines saying that proper administration is required. Many of the County's regulations are prepared to operate under proper administration. For instance -- the "and/or" language that the Commissioner chose to keep, he assumed they wanted administered under some direction. But this is not known yet or who will do it. The regulations as the Commissioners have adopted require deed restrictions to be put in place -- there is a need to know to whom this deed restriction flows. It makes it difficult if we do not want the administrative agency or what their guidelines are. Don mentioned that these guidelines must be adopted by regulations -- there is no other ability to act other than by Resolution.

Commissioner McCown said that he feels that a 60 day timeline was appropriate and reasonable to allow for the Task Force to develop a final set of guidelines.

Tim Thulson reminded the Commissioners that a 60 day delay would not affect Rose Ranch as they are technically not subject to these regulations however they want to be consistent with what is being adopted.

Commissioner McCown made a motion regarding the guidelines the Task Force working with staff as they deemed necessary and as staff was available be given until July 12, 1999 to adopt the guidelines. Additionally, Commissioner McCown included in his motion to consider \$5,000 to date to be included in the financial consideration.

Commissioner Stowe seconded.

Chairman Martin mentioned that Allen Sartin needed to be notified of this budget addition.

Motion carried.

#### ***Senate Bill 99-218 and House Bill 1280***

Chairman Martin mentioned the Senate and House Bill and how they might affect these guidelines. Don DeFord was given direction to provide the Commissioners with a legal opinion.

#### **Reopening**

Chairman Martin reopened the meeting at 5:35 P.M. and asked for roll call.

Don DeFord mentioned that there was an issue that needed to be resolved. He asked the Commissioners to reconsider their decision since the Board has not actually adjourned and the Public Hearing was not closed -- on both the questions on the Affordable Housing Regulations and Affordable Housing Guidelines. Don said he would like the Board to reconsider the motion that was passed concerning the adoption of regulations and for the sole purpose of considering appropriate criteria to judge off-site Affordable Housing. In listening to the Commissioner's comments, it seems the motion was clear that they did wish to follow staff's recommendations set forth on page 6 of 7 pages No. 1 and 2.

Chairman Martin confirmed that to be true.

Don DeFord said the proposal from the Task Force Committee for the Board to consider appropriate criteria for off-site Affordable Housing.

Tom Beard commented that it was included in the draft -- Exhibit H.

Don DeFord suggested that for the time being the Board consider these off-site affordable housing proposals as appropriate criteria with a few changes and then if at a later point and time the Board wants to amend these, this option is there. As a staff, there needs to be criteria and the Board also needs some criteria should off-site housing proposals be submitted within the next 60 days or so.

Don DeFord said that in looking at the recommendations submitted by staff in respect to Sections 4.07.15.02(2) and similar 5.09.05.02 (2) that the Board consider, in lieu of staff's recommendations, the Task Force Committee's Recommendation starting with the sentence "In accordance with ....." as follows:

#### **Standards for Evaluating Proposals for the Location of off-site Affordable Housing Units Pursuant to Sections 4.07.15.01, 4.07.15.02, 5.09.05.01 and 5.09.05.02 of the Garfield County Affordable Housing Regulations.....**

In accordance with the above stated policy, all proposals for the location of off-site affordable housing units shall at the time of Preliminary Plan, be required to demonstrate to the satisfaction of the County that:

1. **"that"** the proposed off-site affordable housing units are located at a site within the boundaries of an incorporated town or municipality:
  - a. serviced by publicly owned and maintained water, sewer and utility infrastructure; and
  - b. situated in close proximity or offer the opportunity for public transit to, the commercial, retail or business centers of said town or municipality. Insert -- **"If the applicant proposes to utilize off-site affordable housing and demonstrates that such housing cannot be located within a municipality or town, then the following shall apply.."** staying with 2 a - d and the last paragraph.
2. if located outside the boundaries of an incorporated town or municipality, the proposed off-site affordable housing units shall:
  - a. when compared to the land ("Project Parcel") the subject of the requested rezoning/PUD, be located in within a zone district allowing greater densities and greater variety of

housing types, which densities and housing types shall be consistent with the location and construction and maintenance of affordable housing units; and

- b. when compared to the Project Parcel, be on the whole, located substantially closer in proximity to the following categories of facilities and amenities:
    - i. public schools; and
    - ii. commercial or retail centers; and
    - iii. community or public recreational parks and activities; and
    - iv. hospital and health care facilities; and
    - v. professional services; and
    - vi. public services, including fire, police and emergency services.
  - c. be serviced by centralized domestic water and sewer systems at a cost which the County shall determine is consistent with the definition of affordability herein; and
  - d. not be subject to any special assessments or changes for the upkeep of community facilities or amenities which the County determines is inconsistent with the definition of affordability herein; and
- Staff's recommendation on page 6 of 7 pages.

omit

Sections 4.07.15.02(2) and 5.09.05.02(2) must contain language to address specific standards by which a proposal for off-site housing would be evaluated by the Commission and the Board. Without such standards, the Commission and the Board may be arbitrary in their application of this section from one applicant to another. The standards as listed below are recommended.

The applicant proposing off-site affordable housing units must submit, with the preliminary plan application to subdivide, evidence that the developer has:

- { completed all preliminary site design and planning;
- { submitted for preliminary plan review the development design proposal;
- { provided all forms of deed restrictions on both the lots and their units;

### 3. Omit

Commissioner McCown moved to include and amend the original motion -- the first three items by staff under No. 2 on page 6 of 7 - bullets 1, 2, 3 and the Task Force (Exhibit H) beginning with "In accordance with -- adding **"that"** and the sentence " -- **"If the applicant proposes to utilize off-site affordable housing and demonstrates that such housing cannot be located within a municipality or town, then the following shall apply.."** staying with 2 a - d and the last paragraph."

Commissioner Stowe amended his earlier motion to include this.

Motion carried.

***Adjourn - 5:50 P.M.***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

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**MAY 17 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 17, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

Chairman Martin gave the following dates of upcoming meetings:

***Agricultural Issues***

Meeting in Craig - Don Ament - May 20 - 7 - 9 P.M.

Commissioner Stowe stated he will try to attend.

***C-DOT***

June 17 - Change of Rules regarding Access - June 17 - 8:00 A.M.

***Major Investment Study - I-70***

Clear Creek County - Saving the Canyon - Request May 25th - Idaho Springs 6:00 P.M. - Looking for Alternatives. I-25 Project may consume all the funds.

***Make a Wish Foundation***

Business Cards - Make A Wish Foundation - a 7 years old with a terminal brain tumor is collecting the world's largest number of business cards.

***Coal Conference - Information on Energy Impact Grants - Program Draft Guidelines***

Concerns from Oil and Gas Industry - Grants are going to other things other than what was caused by the Oil and Gas Industry. Timeline - this summer where an evaluation will be completed.

***RFRHA***

Chairman Martin mentioned that RFRHA had completed an appraisal on the rail line in draft form. He requested a copy and was denied. He asked the Board to request a draft copy as this affects the County.

**COUNTY ATTORNEY'S UPDATE**

County Attorney Don DeFord mentioned he did not have any public discussion items. He requested an Executive Session to discuss litigation and the contract with Ed Green.

**COUNTY ADMINISTRATOR'S UPDATE**

Ed Green gave the report;

***Additional Office Space in Rifle***

Ed said he and Dale Hancock had looked at office space at 132 E. 3rd - 3,000 sq. ft. available and with the tenant upgrades that included new carpet, electrical, etc. \$1500/mo. The owners will go to a 3 year lease for a cost of \$6 per sq. ft. The space is available July 1.

Ed asked authorization of the Commissioners to proceed.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to move forward with the lease; carried.

***Steel Bids - Fairgrounds Arena***

Ed said they anticipated releasing the steel bids however, they will be given more time to submit their bids.

Handicapped Access - Courthouse - East Entrance

Rich Alary is looking at alternatives. The vendor suggested two options:

1) Having two doors requires that one must be moved to make the necessary space required by ADA. With the buttons and electronics -- cost \$6,000 with the airlock staying in. 2) \$3,000 by removing one set of doors but there will be a consistent problem with HVAC unbalancing.



Commissioner McCown moved to proceed with the 1st alternative and moving the interior doors in further. Commissioner Stowe seconded; carried.

***Mesa County - Bob Jasper - Agreement - Road Sharing Agreement***

Ed stated that the concerns are two-fold and the facts were distorted. Instead of 102 hours Mesa County averages and between 240 - 250 hours per year to do the overall maintenance. Overtime or assistance through subcontracting will be necessary to handle the work on Baxter Pass.

The Board's decision was to retrench and take back Baxter Pass; also have Garfield County do West Divide Creek in exchange for CR 16. In the interim ask Rio Blanco if they can do the 9 miles on their side for some type of an arrangement. The cost of grading one time was estimated at \$5800 or \$200 per mile. It's Garfield County's road and our problem.

***Six Year CIP - Airport***

The following projects are planned:

2001 - Maintenance

2002 - Snow plow for a cost of \$100,000

2003 - safety areas

2004 - 1.4 million to rehab the surface

2005 - 1 million - extension of the runway

Ken Maenpa included the coordination with State and Federal funds with a majority of these funds coming from the FAA

***Agreement with Airport and Landfill***

Ed is working with Shelby Meyers and proceeding with the pre-annexation and acquirement of land.

***Strategic Plan - Review by the Commissioners***

Ed stated he would like the okay to start discussions with the staff regarding the Strategic Plan.

The Commissioners agreed they wanted to see this put in action.

***Commissioner's Furniture - Continued Discussions***

Chuck Brenner and Bill Slattery presented a more simplified version of the furniture that included a plastic laminate on top; however the cost that Chuck said he was given was projected to be between the \$10,000 - \$12,000 range. Chuck mentioned that this would mean looking at a catalog. Custom work makes the price go up a lot. The other thing to keep in mind is the value of custom made furniture as it is made of solid wood.

Bill gave the cost for the 5 Commissioner tables - 5 ft.; one presentation table - 6 ft.; 2 triangle tables to tie into a U shape -- built -- finished with 6 coats by Aspen Boutiques; delivered -- \$24,514. Bill remarked that strength and durability were the key factors to the difference between custom built and catalog furniture. Bill secures the pieces with inserts that protect the furniture when being moved. He also focused on the fact that additions can be made to the furniture and any combination can be put together the way in which he has designed it.

Commissioner Stowe mentioned he had an individual speak to him about submitting a bid for catalog furniture and asked Bill to justify the difference between custom and catalog furniture in order to justify the cost if the Board decides to go forward with the custom furniture.

Bill said quality versus mass production is the major difference.

The Commissioners stated they would wait and receive the bid proposal from the other individual on the catalog furniture before making a decision.

**SCHEDULED WORK SESSIONS**

***Executive Session - Update on RFRHA - Litigation - Employment Contract/Ed Green***

Commissioner Stowe moved to go into an Executive Session. Commissioner McCown seconded; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

***JASCom - Public Relations Consultant -- RFRHA -- Impacts to the County***

The letter previously submitted and reviewed from Judith A. Stowell of JAS Com dealing with a concern in letting the citizens know their objections to the light rail in Garfield County was purely based on the cost to taxpayers as well as the appropriate use of land.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to give direction to the staff to proceed with retaining Judith A. Stowell with JASCom for the project on PR regarding RFRHA with a cap of \$8,000 for research and the strategic plan; carried.

### **PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Gail Hutchinson with KN Energy updated the Commissioners on a meeting concerning the merger with CoGen Trans Company. A copy of their fact sheet was handed out. It will be a phase-in of the equipment and KN Energy will continue to operate under the same logo. The service area will be the same and the donations programs will still remain.

Gail provided an update of the current activities involving KN Energy and the parent company.

On Y2K issues, Gail stated they feel very good about supplying gas to the users. They are confident they can supply the gas, however electricity is another factor.

Ed said Garfield County is responsible for the gas routing through Pitkin Avenue since the election making us the owner of this section of the street. He inquired as to contacts for relocating the gas line on Pitkin Avenue. Gary Evans was given as the contact person.

### ***Indoff - Price Quote - Commissioner's Furniture***

Gary Emarin presented an alternative for the Commissioners furniture from Indoff, Incorporated. This is an alternative to expensive custom furniture -- his bid was for \$8,136.00 and the time frame to deliver is one month. The pricing includes a five year warranty, delivery and set up.

The Commissioners mentioned they would want to evaluate the two offers and make a decision.

### **SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

#### **FIRE BAN DISCUSSION**

This was dropped and Guy will continually update the Commissioners.

#### **JAIL DISCUSSION**

Ed Green provided the upcoming events regarding the new jail as follows:

City Council - Thursday - May 20, 6:30 P.M. -- Bob Johnson will provide conceptual drawings to City Council. The Sheriff will also be present to answer any questions or concerns.

Ed handed out copies of the time-frames.

### ***Application - Special Use***

The completed application that will be reviewed by the City Planning & Zoning Commission will include a shadow model. The application will be completed by Reilly Johnson and staff. An internal review by City staff will occur within the 6 week interim period. Sub-meetings will be scheduled with transportation and the GID; there will also be a special P & Z meeting that will be noticed; after that they will vote the Special Use. P & Z will make recommendation to City Council and they can approve or disapprove their recommendation.

### ***Permits***

The County will draft the permit with various conditions levied and submitted to the City for approval.

### ***Rerouting of Utilities***

SGM will do the storm drainage planning and rerouting the gas line will be the responsibility of the County. The City will grant easements and be responsible for electricity, phone and cable.

### ***Court Facility -- Power Plant -- Training and Conference Facility***

A shared court facility was discussed that could be utilized by both the County and City; space on the patio sections was discussed. Mike Copp will discuss this issue at City Council. Another idea was to share the HVAC system. One power plant to service all entities was discussed. In the schematic drawings there is place for training and this was also discussed as a shared use making this available for other uses as well.

### ***Sewer Line***

The City plans to update their sewer and this is a shared expense.

### ***Letter of Understanding - City/County***

Don DeFord said that this was discussed with the City Attorney Teresa Williams and she indicated what was in place was adequate at this time.

### ***Design Build versus Gross Maximum Price (GMP)***

Ed mentioned that the Commissioners needed to resolve the issue as to whether to proceed on a design basis or a GMP. Bob Johnson suggested the three Commissioners visit his office to view these plans.

Chairman Martin mentioned a savings on time and money associated with a GMP.

Ed said the delay in waiting for a design build to release for bid is a loss of \$50,000 a month.

Commissioner McCown mentioned he was not in favor of a GMP.

Chairman Martin suggested a "not to exceed" budget per phase.

Bob Johnson asked the Commissioners to consider a 2% - 5% adjustment in the budget for contingencies with a GMP. Ed said this could be included in the "not to exceed budget."

Chairman Martin suggested an on-site visit to Bob Johnson would be of value in making this decision.

Bob Johnson indicated that the bigger jobs are bid on the GMP process.

The time frame for the GMP is September; for a design basis - November with construction beginning in Spring 2000.

Site Preparation can begin this summer.

Commissioner Stowe asked if a "not to exceed bid" could be received and then change if the bid came in at a cost over the amount they could afford.

The response was 'yes.'

### ***Direction to Staff***

Commissioner Stowe moved to go forward with the GMP process but they may not accept this as their final bid.

Commissioner McCown seconded.

Motion carried.

### ***Financing Chart***

Ed will start on a time flow chart on this as well.

### ***Pitkin Avenue***

Don said there was a insured risk involved on Pitkin Avenue by leaving it open to the public.

After discussion, the Commissioners decided to leave Pitkin Avenue open for the time begin.

Don mentioned that the carriers should be notified.

### ***Parking Policies***

Mark will begin right away on the parking issues.

### ***Remodeling of the Current Jail***

Ed stated that County Engineer Bob Szrot put together a synopsis. Ed said the issue is to have space for mental holds and the big problem for the estimates, when released last year for the remodel, was the cost of over \$100,000 and when it was put out for bid there were no bidders. That has changed now since some of the improvements originally were based on a longer term need, therefore with the new solution, the remodel was reduced to a two-year solution. One contractor was willing to do the work - Ray Lyons out of Rifle agreed to work with the County. The total cost is \$39,000 for the remodel. The cost per sq. ft. is a \$55 solution.

Tom mentioned the revamping included: taking out the security gate and the bathroom in the booking area; they shrunk the walls; and eliminated the additional electronic equipment. The current remodel plan addressed the immediate need for at-risk inmates -- those affected by Mental Illness, Drug and Alcohol Problems; Critical Stopgap Measure for Prisoners requiring 24 hour surveillance until the new jail is constructed; immediate utilizes all sedentary space available in current facility; and the total associated costs are less than \$0.08 per sq. ft./day.

Sheriff Dalessandri posed the question as -- is the safety of at-risk prisoners and staff worth \$53.00 per day?

A motion was made by Commissioner Stowe to have staff move forward and proceed with Ray Lyons on the remodel construction at the present jail. Commissioner McCown seconded; motion carried.

## **MEDICAL CONTRACT FOR JAIL**

Sheriff Dalessandri stated that PCMP notified the Sheriff in writing stating they were in the process of bankruptcy effective April 1, 1999.

The proposed corporation's contract before the Commissioners today has been reviewed by the Sheriff and Don DeFord. The new firm is willing to carry the County through for the remaining portion of this year. Correctional Health care Management, Inc. submitted a plan to provide medical services for the inmates at the Garfield County Detention Facility in a proposal submitted by President Christina Capoot. They currently contract with Park, Teller, Douglas, Weld, Jefferson, Boulder, Morgan, Larimer, Aurora, Laramie, Moffat and Montrose Detention Facilities. They provide a full comprehensive health services program including medical, dental and psychiatric services. The following is a list of services they proposed to provide by their health care staff at the Garfield County Jail: Policies and procedures, intake screening, sick call, mental health services, pharmacy and medication administration, hospitalization, specialty outpatient services, emergency services, inmate health education, health records, materials, supplies and equipment disaster management, emergency first aid and staff services, detoxification, confidentiality of health records, communicable diseases, treatment protocols, waste management and inmate injury or illness prior to booking.

The monthly charge for providing these services is \$21,484.00 and CHMI will contract through December of 1999.

This contract keeps all the current medical staff in place.

Coastal Corporation also bid but they were more expensive.

Sheriff Dalessandri suggested going with the CHMI proposal and evaluate and assess the cost of having the medical staff as County employees under the direction of the Public Health Nurse for next year.

Don DeFord suggested if the Commissioners wanted to go forward, he would like a motion authorizing the Chair to sign a contract for the stated amount of \$21,484.00 per month through December 1999 and subject to final approval of the contract of the County Attorney.

Commissioner McCown so moved. Commissioner Stowe seconded.

Discussion

Commissioner McCown would like to direct staff to further pursue bringing these medical people on a County employees with contracts for next year.

Motion carried.

### ***Phone Carriers***

Sheriff Dalessandri mentioned the problems with the phone service being supplied to the inmates.

Conversations were held with the company and the problems were solved. This is a service provided and there is no cost to the County. Some of the highest revenues in the industry were received by this phone service.

### ***Rich and Pat Reynolds -- Vacation of an Alley -- Parachute***

Ed stated they are interested in having an alley vacated in the Town of Parachute. Garfield County is the adjacent landowner. It was originally a road changed to an alley several years ago.

Don DeFord has been informed.

Commissioner McCown moved that the Chair be authorized to sign the request to vacate the alley.

Commissioner Stowe seconded; motion carried.

### ***Letter dated April 16 - Citizens - Access to Public Lands - East of Douglas Pass - Hwy. 56***

Don stated that research needs to be done in the archives. FAA may have acquired this.

Don mentioned he would need time to research the archives and could not give an exact date as to when he would have this accomplished due to his work load.

### ***The agenda items - Public Meeting***

Don asked for better coordination on the scheduling of building and planning items. He noted that the public meeting for the Wilson Trust Subdivision Exemption request and the Resolution vacating the current right-of-way and accepting the new right-of-way from the Wilson Trust were linked together but were two entirely separate issues.

**PUBLIC MEETING: REQUEST FOR AMENDED EXEMPTION PLAT LOCATED LOT 20 OF SECTION 1, T75, R89W, LOT 1 IN SEC. 6 & LOT 1 IN SEC. 7, SOUTH OF CMC ROAD TURNOFF. APPLICANT: FYRWALD HOLDINGS, INC.**

Don DeFord, Mark Bean and Kit Lyon were present.

The purpose of amending the plat is to correct a surveying error on the original plat. Building #4 was not correctly located and a road easement was unwittingly placed through Building #4. By re-aligning the road easement and lot lines, the applicant is correcting the existing error. No increase in units or major road relocation's are proposed.

Based on the findings of Staff, the recommendation is that the Fyrwald Amended Plat be placed on the Board of County Commissioners Consent Agenda for June 7, 1999. Assuming the Garfield County Surveyor approves of the plat amendments, Staff recommends that the original Fyrwald Amended Plat be signed at that time.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to direct staff to continue working with the Surveyor and the Fyrwald Amended Plat setting this on the consent agenda for June 7, 1999; carried.

**COUNTY ROAD 109 CONTRACT AWARD**

Mark Bean and Don DeFord were present.

Don stated the Wilson Contract has been finalized. Don informed the Board of the terms in the Resolution. A Memorandum of Understanding that was tendered to the attorney for the Wilson's was prepared by Bob Szrot. These have been discussed with Jim Leuthueser and Don DeFord.

***Resolution - Vacate Portions of Current County Right-Of-Way and Accepting Easement Deed - Wilson Trust***

A motion was made by Commissioner Stowe and Commissioner McCown to authorize the Chair to sign the Resolution; carried.

**Discussion**

Commissioner McCown stressed for the record that this soil included in the Resolution may not be able to be re-seeded and his concern was for having to possibly haul in top soil in order to complete the terms of the Resolution.

Motion carried.

***CR 109 - Project - Update***

Scott Bogue, Louis Meyer, Don DeFord and Mark Bean were present

The Coryell Ranch property is still under discussion. Larry Green sees no problem with this deed and should be forthcoming.

The Crystal River Ranch is slower. Discussion between Sue Rogers, her Attorney's, Engineers and Bob Szrot are ongoing. This is approximately three weeks or more away and may run into issues that are not solvable.

Discussion involving where and when to proceed with this project were held.

Louis Meyer mentioned that Scott Bogue suggested one way was to start on the south end at Carbondale and progress made without disturbing Sue Roger's property.

Scott Bogue mentioned the midway point could be completed.

Louis suggested an addendum to the contract could be added to cover the potential cost of delay until next Spring to complete the section through Sue Roger's property.

Scott said if this drags into next year there may be some extra costs of moving equipment in and out and potential price increases into next year.

Ed mentioned the idea of cost options had been discussed.

Scott mentioned the last date he could start and complete this the project this year would be June 17.

Don asked if they wait 30 days and then give Scott Bogue a notice to proceed could he complete the entire project this year.

Scott mentioned he could by weather permitting. However, he has material in transit or sitting on the job. He also has a crew waiting. If there is an additional holdup he may have a real problem with his crew, liability of costs incurred on materials and storage at the Coryell Ranch.

Don alerted the Board that material is stored on the Coryell Ranch and if there is a further time delay then sighting this material needs to be resolved.

Ed mentioned it could be a price contract basis.

Don mentioned awarding the entire contract where it is done in phases.

Commissioner Stowe said in fairness to Bogue he would make a motion to authorize Bogue to proceed with the contract award on the full project with the priced option for the portion in dispute.

Commissioner McCown seconded and asked if Don DeFord had a comfort level with this for the County?

Don DeFord said yes by specifying the extent of the two construction phases; establish a price for the first phase; and either a price or a method of pricing the second phase. All of this seems to be able to be accomplished because the specifics are so closely tied down.

Louis Meyer agreed that they have a unit priced contract so it is all based on yardage, earthwork, tonnage on asphalt, length of pipe so the County could have a basic contract with provision that Bogue can't work from a specific point to another specific point until the right-of-way is secured -- if that right-of-way isn't secured by a certain date, then this requires that Bogue has extra expense to mobilize or asphalt prices increase next year, that Bogue has the right to come in and renegotiate that price.

Bogue asked to be restricted to Sue Roger's property on the west side of the road only so that they could proceed on the retaining walls down through that stretch.

Don said the motion and second was to go forward with the price option and suggested to set a "not to exceed" amount.

The contract award amount was \$1,734,705.95 therefore the award should be a not to exceed this amount.

Commissioner Stowe amended his motion; Commissioner McCown amended his second; carried.

#### ***Agreement - SGM - Engineering Services***

Don stated a motion needed to be made to authorize the Chair to sign an agreement with SGM to perform engineering services to move forward with the CR 109 project. This is a contract that anticipates a payment of not to exceed \$72,100 for preparation and design work on CR 109 and a fee not exceeding \$10,000 to conduct the bidding and negotiation phase; a fee not to exceed \$38,240 to provide on-site engineering services; a fee not to exceed \$62,000 for survey's and work on the site during the construction. Commissioner Stowe so moved; Commissioner McCown seconded; motion carried.

#### **PUBLIC MEETING: REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION TO CREATE FOUR (4) EXEMPTION PARCELS OF 2.0, 2.0, 2.0 AND 46.14 FROM A PARENT OF 52.14 ACRES IN SIZE, MORE OR LESS. APPLICANT: WILSON FAMILY COMPANY**

Don DeFord, Mark Bean, and CPA Virginia Sterrett, daughter of Buelah H. Wilson were present.

Don determined that notification and posting were adequate and the Commissioners were entitled to proceed.

Mark stated that this is an exemption from the definition of subdivision on a 52.14 acre tract of land located approximately one mile north west of Carbondale at the intersection of County Roads 108 and 109.

Mark summarized the staff report.

Recommendation:

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, 25 ft. wide 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 prior to recordation of the final plat, \$235.00 in Fire District Impact Fees for the creation of the exemption parcel.

That the following plat notes shall appear on the Final Exemption Plat:

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

"One (1) dog will be allowed for each residential unit within a subdivision exemption and the dog shall be required to be confined within the owners property boundaries."

"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." boundaries."

"Garfield County has a Right-to-Farm-and-Ranch regulation, which recognizes the important contribution agriculture makes to this County. Nuisance complaints made against customary and legal agricultural operations and practices will not be pursued."

"Specific geo

The applicant shall conform to the requirements for fire protection as indicated in the 2/23/96 letter, and obtain a new evaluation of the proposal from the Carbondale and Rural Protection District prior to recordation of the final plat.

The applicant shall provide a well sharing agreement prior to recordation of the final exemption plat. Colleen Truden for Crystal River Ranch wanted to make sure the acreage is accurate and the Wilson's 52.14 is accurate. The concern is that the acreage included in this exemption does not belong to Crystal River Ranch. She submitted an exhibit in the court case showing Parcel A Parcel B and Parcel C. Parcel D was the subject matter of the lawsuit and pointed out the 15 acres not being considered the 15 acres owned by Crystal River Ranch.

John Barbee said he checked the records and verified the acreage.

Virginia Sterret for the Wilson Family Trust explained in 1940 when the deed was recorded, the same year there was a metropolitan in charge of the Crystal River Ranch. She explained the tax receipt and stated there was a discrepancy over the fence line and adverse possession. The 52.14 that is referenced in this exemption came directly off of the tax notice.

Mark Bean suggested a condition of the approval would be to verify the legals of the property but added that the acreage does exceed the amount for qualification under the exemption process.

Don DeFord inquired if Colleen's client obtain a settlement agreement.

Colleen Truden said they had a settlement agreement.

Don added that another condition would be that the exempt plat conform to the settlement decree involving Crystal River Ranch and reference Case 97-CD148.

Commissioner Stowe noted that in Parcel D there is 13.98 acres north of the road.

Colleen mentioned a Quit Claim recorded near the pond involving .215 acre to Wilson's Trust by Crystal River Ranch. This was noted as well.

Don asked Colleen to make sure when the final plat for the exemption is submitted that we have the Decree with the proper legal description of the property so the County Surveyor can confirm to what we receive does conform.

Colleen said she will give the surveyor the legal descriptions they have been following.

John Barbee said the County has a final survey of this property in regard to where the County Road lay.

Mark said the Wilson Trust will be required to resubmit an exemption plat reflecting the property.

Commissioner Stowe expressed that historically we have allowed a division into four different lots if there are 35 acres or more. In addition to that the applicant is also allowed to subdivide if you are split by a County Road. His thoughts are on whether or not Virginia Sterret has any plans for that.

Virginia Sterret said when she filed the original application in 1996 her mother was low on funds and the only way she could figure out to do this was to break those three lots off so that one could be sold in case she runs out of her money.

Commissioner Stowe said he didn't have a problem of her breaking it off into four lots but his concern is if she were to come back a year from now and say I want to split off this parcel that's south of CR 108 -- this would be a split into five lots. This has happened before.

Virginia said she didn't have any intentions of doing this.

Commissioner Stowe said he wouldn't look real favorable on this.

Mark said the Commissioners have discretionary authority and they are not obligated to approve those types of splits.

Commissioner Stowe made it clear that he would not approve another split and wanted it as part of the record.

Virginia said they wanted the property to stay as it is and if they had wanted to develop it they would have done so a long time ago.

Commissioner Stowe moved to close the public hearing; Commissioner McCown seconded; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve an exemption from the definition of subdivision for the Wilson Family Trust with the recommendations of

staff adding No. 8 requiring the water be tested by lab according to the standards and the plat will be resubmitted with the adjusted boundaries as noted and discussed with the Commissioners and Colleen Truden; carried.

Virginia Sterret - mentioned that CR 109 road had some dangerous hazards. The speed needs to be reinforced. It is a real concern for the landowners. She particularly referenced the big trucks. The Commissioners stated the Sheriff was the enforcer and he should be notified.

## **CONSENT AGENDA**

### **A. - APPROVE BILLS**

Chairman Martin mentioned the Board did not have a copy of the claims submitted.

Allen Sartin stated the problem was due to the change over of software. The Accounting Department has been going through the conversion process getting started four days late from the original schedule. The data files have not been converted yet but they are anticipating receiving them on Tuesday, May 18 and then the staff will begin entering the various bills received over the last two to three weeks. The bills have been reviewed; account numbers have been checked; but nothing can be entered until the general ledger and data files have been converted.

Chairman Martin stated that a motion to approve pending the submittal through the Assistant Administrator and verification of same and giving authorization for the Chair to sign.

Commissioner Stowe so moved. Commissioner McCown seconded.

Commissioner McCown mentioned this was a scary process -- he realized the problem but in essence the Commissioners are approving the bills without review.

Chairman Martin expressed with Allen's overseeing and the credibility of the staff that there would be an accurate accounting of the payment of bills.

Motion carried.

### **B. - SIGN RESOLUTION - EDWARD JOHNSON SPECIAL USE PERMIT**

### **C. - SIGN RESOLUTION - JAMES AND VALERIE BRYNES SPECIAL USE PERMIT**

### **D. - SIGN RESOLUTION - AMERICAN SODA LLP SPECIAL USE PERMIT FOR OPERATION OF RAIL SPUR**

### **E. - SIGN RESOLUTION - AMERICAN SODA LLP FOR OPERATION OF INDUSTRIAL PROCESSING FACILITY**

### **F. - AWARD BID FOR CONCRETE SIDEWALK REMOVAL AND REPLACEMENT- Taughenbaugh Building**

Ed mentioned there were two bids - the one in the packet is the low bid.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Chair to sign the Resolutions Items B - E on the consent items as presented; carried.

A motion was made to award the bid on the concrete for \$12,000 with STP Enterprises - Ray Lyons to do specified improvements at the Taughenbaugh Building by Commissioner McCown and seconded by Commissioner Stowe; carried.

### ***Amended Final Plat - Lough***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Amended Final Plat for Lough; carried.

### ***Coryell Ranch - Refer to Planning Commission***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to refer the Coryell Ranch to the Planning Commission; carried.

### ***Airport Update***

Ken Maenpa moved the extension of partial taxi way for \$800,000 into the year of 2000 with a local match of \$72,000 being required.

Chairman Martin mentioned the revenue source would need to be there before we could commit.

## **REGULAR AGENDA**



**REQUEST FOR A ZONE MAP AMENDMENT FOR AN 80 ACRE PARCEL LOCATED ONE MILE EAST OF RIFLE ON HWY. 6 & 24. SAID AMENDMENT WOULD ALLOW THE CURRENT ZONING, AGRICULTURAL INDUSTRIAL, TO BECOME COMMERCIAL GENERAL. APPLICANT: ROBERT O'KLEIN**

John Barbee submitted a memo to the Board stating "based on comments and concerns from the Planning Commission, (although they unanimously moved to APPROVE the zone map amendment) the applicant has chosen to withdraw the application and resubmit. This is scheduled for June 28, 1999. The applicant has indicated that they will need time to respond to the constructive concerns of the Planning Commission.

**CONTINUED PUBLIC HEARING: REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION ON PROPERTY IDENTIFIED AS LOTS 16 AND 17, SECTION 2 & 3, T8S, R88W, GENERALLY LOCATED ONE MILE NORTH WEST OF CARBONDALE. APPLICANT: MJN LAND INVESTMENTS**

Mark Nieslanik and John Barbee were present.  
Mark asked for a continuance until June 7, 1999.

***Subdivision Regulations***

Don DeFord, Jim Leuthueser and Mark Bean were present.

Legislation -- New Bills Effective July 1, 1999 -- Subdivision, PUD and Rational Nexus -- Senate Bill 218 - Impairment on Property Rights

Mark read "no government shall impose any discretionary condition upon a land use approval unless the condition is based upon duly adopted standards that are specific to ensure that the condition is imposed in a rational and consistent manner." Exactly what this means, they are not sure when you go all the way back to "nothing in this part two shall be construed to affect the expressly granted land use authority of any local government."

The other part goes to the rational nexus. Mark said we do for road impacts and the Building and Planning Department has an update from Carbondale Fire Department but none for the School Districts. We do not have a rational nexus for Affordable Housing. The gaps need to be identified and a decision as to whether or not we need to eliminate or expand the regulations.

Don stated CCI did not take a position on these Senate Bills but that he didn't feel either would have an impact on Counties. Don stated he did not agree and felt our regulations could be found in violation.

Tom Smith, former Pitkin County Attorney and Don discussed the Bills. Tom will do a presentation to the County Attorney's conference forthcoming to highlight some of the issues. Don reiterated that he feels we need specificity in our regulations.

Jim Leuthueser stated "no local government shall impose any discretionary condition" absent that it is sufficiently specific that ensure the conditions imposed rationally and consistently" -- so in our regulations they say in a Special Use Application it calls for sufficient screening for impacts to an adjoining property owner -- can this be done and is this being applied consistently? On berms, for instance, there is no specificity and if someone pushed this there could be gigantic problems.

Don stated our present regulations leave room for broad discretion.

Chairman Martin agreed and felt we needed to do a review of the regulations.

Mark said an initial review of the regulations and proposed changes can be handled internally but later it may warrant an outside consultant.

Commissioner McCown suggested waiting until there is a lawsuit and then allowing the Courts to determine if our regulations need to be revamped.

Chairman Martin did not agree thinking the County needs to take a proactive stance and remove the rules that do not apply so the staff can evaluate land use applications better.

Mark suggested the possibility of some flexibility on specific parts of the regulations. To define certain types of barriers for specific types of land use would create volumes of new subdivision regulations.

Jim Leuthueser mentioned the upcoming County Attorney's Conference and these issues would be brought up.

Commissioner Stowe suggested that we wait for a report after the Attorney's Conference.

This was generally agreed to by the Commissioners.

***Policies from the Building Department***

Mark Bean submitted a memorandum that covers some established policies for the consideration of the Board that covers time frames for 1) acceptance of supplements; 2) recommendation of continuance; and 3) field visits by the Planning Commission.

## **ENERGY IMPACT GRANT**

The following energy impact grant applications were considered:

### ***Glenwood Springs Community Center Construction Project -- City of Glenwood Springs - Priority No. 2***

Mayor Sam Skramstad and Recreational Director Steve Foster presented for the City of Glenwood Springs. They are requesting \$300,000. The total value of the project is \$7,830,000. Sam indicated that the Community Center Project has a regional impact as well.

Sam stated that over 1/2 of the participants are County residents.

Steve said 51% were out-of-City limit residents.

Gail Hutchenson of KN Energy asked how the City felt this was related to Energy Impact.

Steve stated this was a difficult task but the City houses and educates many of the energy related employees.

### ***Town of Parachute - Sewer Lift Station Rehabilitation Continuation - Priority No. 1***

Juanita Satterfield said this was a continuation of a long grant they received in 1996. She explained the grant application. The total grant requested is \$28,500.

Ed commented that funds have already been expended and questioned the validity of the application based upon what Tim Sarmo had expressed to the County in regard to the jail.

Juanita mentioned these were budgeted funds in 1998.

Commissioner McCown mentioned that there was disparity on the number of America Soda employees in the two applications.

Steve mentioned that these numbers were taken from the American Soda.

John Barbee clarified the number.

Vote:

The Parachute Project received four votes -- number one priority; and Glenwood Springs number two priority with one vote.

## **Division of Wildlife - Update**

Robert H. Caskey, Regional Director gave an update saying that there was a regional revamping from five to three divisions. 35 to 40% of the management staff will be retiring within 1 - 5 years. His job is to travel on the Western Slope to improve communication between elected officials and the division.

He handed out material that explains the 1998 annual report and a copy of an insert in the 1997 annual report that describes the impacts on the Counties by hunting and fishing showing \$46.6 million was brought into the Garfield County economy. It surpasses skiing. Robert said the Colorado River has a worldwide appeal and people come from all over the country to fish our waters.

Other handouts included a survey displaying the public opinion concerning wildlife's importance to the quality of life; a report reflecting the recent changes to trapping laws and regulations in Colorado since Amendment 14 was passed in November of 1996; and an assessment of federal and state agency weed management efforts in Colorado as reported to the Colorado General Assembly.

Robert stated that weed management and fire control are the two most serious threats to this area. Control burns are on their agenda; weed control is an insidious problem and Leafy Spurge has been identified as a key problem.

### ***Endangered Species - Lynx Reintroduction***

A few years ago the Fish and Wildlife was petitioned to list the Lynx as an endangered species. They took a proactive position and will have good information to present if and when the federal government lists the Lynx.

Commissioner McCown commented on fire control, that the opportunity is available to do timber harvesting in an area titled a Wilderness area but it is not allowed.

### ***Deer Management - Mule Deer - Elk***

The State has a problem with the population of the Mule Deer being down; however Colorado is blessed with the best and smartest elk in the nation and an ample population.

## **BOARD OF HEALTH**

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Health; carried.

Mary Meisner and Lisa Pavlisick were present. Mary gave the monthly report.

Program Updates

### ***WIC***

Tuesday, May 18 will be a WIC Audit; and May 24 will be a financial audit -- this is done yearly.

### ***Well Child***

The clinics are at capacity and the satellite clinics are well received by the community. Kindergarten roundup is going well.

### ***Yellow Fever Designation***

Colorado will be one of 35 states designated to have the Yellow Fever vaccine. They are working with Dr. Brokering. Alarms are being installed on the refrigerators in order to store the Yellow Fever vaccines.

### ***HCP Clinic***

Elizabeth Shafer was present for the HCP Clinic and Dr. Stepien is here today fitting kids with wheel chairs.

### ***Dental Clinic***

Mary reported they received funds with the clinic for a half-time area coordinator.

### ***Access to Care Committee***

A letter was received from Elana Thomas of Colorado Network showing this was well received.

### ***Tics -- Article in Glenwood Post***

Mary thanked the Glenwood Post for putting the article in the newspaper regarding the warning of tics this year.

### ***Three County - Medically Undeserved -- Eagle, Garfield and Pitkin Counties - Designation***

Mary had a draft of the Power Point Study with a summary. The final document will be forthcoming.

### ***Healthy Beginnings***

Lisa gave the report.

93 patients and 18 post partum -- this is 10 patients higher than usual. 61 of these patients are at risk for the nutritional or psychological with 52% being on Medicaid. They are on target with the State contract level allocated to Garfield County. 40 slots were awarded to Grand River and Garfield County is continuing to work with them to make sure that this program is healthy and thrives. At this point they have billed Garfield County for two patients.

The State Contract is on target.

### ***Staff Vacancies***

Barbara Ramirez resigned and Nicole Lamb will not be returning since the birth of her baby.

There is a huge personnel vacancy rate in Healthy Beginnings.

Mary Meisner was publicly thanked for their support and cooperation in allowing other staff to fill in some of the gaps.

### ***Fund-raisers***

Mother's Day Fund-raiser did well. The next fund-raiser will be the Bowl-A-Thon.

### ***Colorado Gynecological In-Service Report***

Lisa stated they did a low birth weight presentation. They have handouts and one was given to the Commissioners.

### ***Health Care Provider***

Commissioner McCown asked for Mary, Ed, and Sheriff Dalessandri to be involved in the review if services and for Mary to work up a budget including their services under Public Health.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Health; carried.

## **HUMAN SERVICES COMMISSION**

Lisa Pavlisick, Steve Carcaterra and Margaret Long were present.

***Emergency Services - Steve Carcaterra***

Steve Carcaterra, Director of Lift Up gave a presentation.

***Lift-Up and Salvation Army***

Steve said that 15 resumes have been received for the Salvation Director position.

Steve gave background information on the two organizations and stated what is partnership between Lift-Up and Salvation Army.

The winter newsletter and a two-page summary was handed out for Lift-Up and the same for Salvation Army.

Lift-Up has 5 offices and provided to 5,333 individuals -- food, emergency food, shelter - rental and eviction assistance; transportation by vouchers and bus fare; limited help with prescription drugs and clothing at Defiance Thrift Store.

***Thrift Stores***

Steve said this provides a place for individuals to donate usable items for households and clothing, and \$38,000 was received in proceeds from the sale of clothing and household articles.

Lift-Up is most visible for the Thanksgiving and Christmas Food Baskets and Angel Tree gifts to children. Administrative location - a strong chance that office space will be provided by American Soda at the Parachute site. Kurt Neilson offered space. The County provides almost rent free space in Rifle. If they do move to Parachute, then more space will be available in Rifle for the thrift store. This may happen in July of this year.

One asset is the Defiance Thrift Store receives donations from a lot of individuals who have excess stuff and want to give these items to a charitable organization.

Steve has been given incredible items by answering the Salvation Army phone line locally.

The collaboration of services between Lift-Up and Salvation Army was reviewed by Steve and he proposed to the Commissioners to hire a part-time person. Steve added that the purpose was to coordinate the organizations and accomplish the goal of handling housing situations; prescription drugs; and utilities through Salvation Army. Lift -Up would continue to do food, clothing, and holiday events. It will require good coordination with the police department and other organizations that refer individuals. Steve also proposed a cooperation of office hours in order to have more hours totally to serve the public.

***Soup Kitchen***

4,377 meals were served last year in the soup kitchen. Community Service workers do their court ordered work hours there as well. Steve commented that there have been few fights or alcohol related incidents occurring at the Soup Kitchen.

***Dental Needs***

The big new program they are involved in is a low income dental clinic who serve low income kids not eligible for Medicaid or for those families who do not have dental coverage.

The program is called Kids in Needs of Dentistry. They want to expand in the Western Slope with a dental van. 8 months ago meetings began and a grant from the Aspen Foundation was received to supply funds for a 1/2 time person working with the dental firm. That person will provide receptionist services in this area. The Fall of 1999 is projected to be the date the program will begin. The dental van will provide services to ages 0 to 18 years old. Two to three times per year is the projected time frame of being in this area.

Elaine Clonginer from Public Health is on the Board.

Blue Cross/Blue Shield paid for the van and the salary of the dentist. A dentist will travel with this van.

Lift -Up has to raise funds for the 1/2 clerical position and overhead expenses.

***Request for County Assistance Concrete***

Steve asked if a concrete apron could be sloped outward at the Rifle Office where water will not get into the basement. Rich Alary was consulted. It may be ground water and surface water combined. He asked for funding to have a professional opinion.

Commissioner McCown mentioned ground water was notorious for this area.

**PA System**

Mildred Alsdorf requested approval of the Chair to sign the final proposal after Don DeFord has reviewed.

Mildred said Ed Ware asked for 50% down.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the PA System Contract for \$12,385.08 with AA Audio Engineering pending the approval of the County Attorney; carried.

#### **BOARD OF SOCIAL SERVICES**

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to second the motion to go into the Board of Social Services; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Social Services; carried.

***Adjourn - 4:45 P.M.***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn; carried.

**JUNE 7, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 7, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**ATTORNEY'S UPDATE**

County Attorney Don DeFord gave his report.

***Affordable Housing Healthy Mountain Communities - \$20,000 - Study from Aspen to Glenwood Springs***

Victoria Giannola reported that they selected RRC to do the study on the legalities of the regulations. The budget goes \$5000 beyond what the budget has included. Victoria asked Garfield County to donate this \$5000 for the legal end. It started June 1 and will end September 1, 1999. She reported that a CSU Grad Student will be available to do research from Glenwood Springs to Parachute. At the end of this legal research there will be some legal perimeters.

Victoria stated they will review the regulations, and the guidelines will be used for developing regulations for other areas that do not have any.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the \$5000 and as our part to the \$50,000 program; carried.

***RFRHA Litigation - Executive Session***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the RFRHA litigation; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign a letter with JASCom; carried.

**ADMINISTRATOR'S UPDATE**

Ed Green gave his report.

Chuck Brenner and Bill Slattery presented a new sketch of the proposed Commissioner's furniture. Bill said he had taken out the columns added in the finish, delivery and set up. The new revised total came to \$20,797.00.

Commissioner Stowe made a motion to proceed. Commissioner McCown seconded. Motion carried. The time frame was determined to be the first of the year.

***GIS System***

Ed Green, Rob Hykys, and Mark Bean gave an overview of the proposal.

Rob said the GIS System currently being used is outdated and he requested to update the computer and software for a total package of not to exceed \$16,500.

Mark stated he would need to submit a supplemental for the Board to approve.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the supplement to the Building and Planning Department for Computer Software and equipment not to exceed \$16,500; carried.

Rob stated there is no duplication of efforts. Other agencies data is being input into the individuals systems. There is no overlapping of the different information, they are sharing information and integrating it into the system.

***Rifle Probation Space***

Ed stated there was some hesitations however, later Judy Vanderleist mentioned they would need the space by mid-August.

#### ***Fire Station***

Phil Vaughan is in the final stages and the plans will be before the Board within a few weeks. Groundbreaking will be yet this year. April 2000 is the start of building date projected.

#### ***Rodeo Stock Contracts***

Ed and Chairman Martin attended the Fairboard Meeting last Wednesday. Plans are progressing for the Fair. In all areas except the stock contracts, it looks good. A key problem that Don DeFord has been involved in is the vendor's unwillingness to carry insurance and provide indemnification to the County for negligent acts. After discussions with the Fairboard, it was agreed to approach it one more time and offer a negotiated increase in the total rate structure for the vendor's contract in exchange for integrating insurance coverage. The Fairboard is going to secure two quotes for the insurance.

#### ***Airport Meetings***

Public Meetings regarding the plan will be held on Wednesday, 1:00 P.M. June 9 in Room 301 with a focus on general information; June 17 - 1:00 P.M. in Room 301 addressing facilities requirements; and the third meeting will be on June 29 at 1:00 P.M. at the Airport and discuss runway alternatives and the capital improvement plan in total. The final meeting will be on July 8 at 1:00 P.M. in Room 301 to discuss the final capital improvement program and preliminary plan and preliminary airport layout plan.

#### ***2000 Budget***

Ed said they are one week away from beginning the process. June 15 the budget prep guide will be released. On June 28 a meeting with department heads to discuss the Commissioner's priorities for the budget; and early July they will begin working the individual personnel work sheets. The cycle this year is a full month ahead of last year's cycle and should be a lot smoother.

#### ***Executive Session - Pfiefer Lease***

Ken Maenpa and Carolyn Dalghren were present.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

#### **PFIEFER LAESAE**

Carolyn Dalghren stated this is a 20 year term lease for a 100' x 100' hanger and associated improvements. The principal in the corporation is Chris Pfiefer from Aspen, AABC Parcel C represented by Holland Hart. This lease has to be presented to Corporate Air Service (CAS) as they have the first option to lease. Corporate Air Service has agreed to waive their right to first right to lease. This lease is for \$2,533 per a year for 20 years with a 10 year extension; and a CPI after the first 5 years.

Chairman Martin stated this was the lease previously being negotiated by the Airport Authority Board. A motion was made to sign the agreement with Zula Gulf Aircraft LLC. by Commissioner McCown and seconded by Commissioner Stowe; carried.

#### **AIRPORT MANAGER UPDATE**

This update by Carolyn Dalghren and Ken Maenpa was postponed until June 14 at 9:00 A.M.

#### **PEST AND WEED 1999 PLAN OF ACTION -- Four Categories**

Steve Anthony submitted the plan of action per the request of the Board that included:

##### ***- County property-weed management and facilities needs***

This is the top priority for this program. New invasive plants will be closely looked for during the regular spraying activities, working with the Road and Bridge Districts. Chemical storage facility at the airport does provide a covering but it not completely waterproof. Questions need to be addressed as to a facility to relocate these chemicals and they type of building.

##### ***- Education, awareness, and information programs***

Steve stated in his report that a continuation of working with the public to increase their knowledge of noxious weed management and an education program focus on weed identification, control

recommendations, and prevention strategies will be addressed in various workshops with one meeting per month for the public throughout the remainder of this year. Additionally an article on "Escaped Ornamentals" was printed in the Roaring Fork Journal in April with a second article to be printed later on Russian olive and tamarisk. Plans are to have one article per month on weed management printed in local newspapers through October.

***- Developing partnerships (Alternative revenue sources)***

The continuation of past partnerships with BLM, Forest Service, Union Pacific Railroad, and C-DOT that include intergovernmental agreements/commitments are key objectives.

***- Weed Advisory Board/Garfield County Weed Management Plan***

CRS 35-5.5 -- Colorado Noxious Weed Act -- states that every county and municipality shall have a noxious weed management plan that is reviewed every three years by the Weed Advisory Board. Steve noted the this last time this was reviewed was 1993. Therefore, discussions with County Attorney Don DeFord have determined that before any active weed enforcement can be implemented the County must have a Weed Advisory Board and an approved Weed Management Plan. The options for the advisory board are: Commissioners may appoint itself as the Weed Advisory Board; they may appoint a commission of landowners; or a cooperative effort with any or all of the municipalities whereby representatives of the municipalities are appointed to the Weed Advisory Board.

***Recommendations***

Steve's recommendation to the Commissioners to is appoint a Weed Advisory Board with representatives of the municipalities in addition to residents of unincorporated Garfield County. Organize an educational meeting with residents of Dry Hollow to discuss Knapweed infestations and to possibly lay the groundwork for a future cooperative Knapweed management project. The Board indicated they wanted to proceed further on this area with the Knapweed.

***Action by the Board***

Commissioner McCown and Chairman Martin stated they wanted to include Carbondale, Rifle and Glenwood Springs to appoint someone to the Weed Advisory Board. They also suggested to move forward for a temporary facility for storage. This should be verified with compliance with the FAA.

***Isbill Contracts***

Ed Green submitted the Agreement between the Owner and Architect with Isbill Associates regarding the architectural/engineering/planning services for Garfield County Regional Airport for \$31,255.00 to be completed by July 1, 1999.

Commissioner McCown moved to authorize the Chair to sign. Commissioner Stowe seconded; carried.

***Janitorial Contract - New Systems - Rifle***

\$2500 per month Courts, Taughenbaugh

A motion was made by Commissioner McCown to authorize the Chair to sign the janitorial contract - New Systems Janitorial Systems for \$2500 month for the janitorial services at the Rifle Courts and Taughenbaugh. Vote - McCown - no; Stowe - aye; Martin - no. The motion did not pass.

A time was set for later to consider this upon more information obtained from the County Administrator.

***Contracts - Human Service Contracts***

Ed presented the following contracts for Human Service: Literacy Outreach, Advocate Safehouse Project; Garfield Legal Services, Inc. Asistencia Para Latinos, Family Visitor Program of Garfield County.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the contracts for Human Service as presented; carried.

***Battlement Mesa Assisted Living - Funds Transfer - Pass Through***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the transfer of funds of \$55,839 to the Battlement Mesa Assisted Living Facility; carried.

***Contract - State of Colorado - DOC/Community Corrections***

Commissioner McCown made a motion and seconded by Commissioner Stowe to authorize the support of the Community Corrections Programs with Department of Corrections for \$3500 to continue contracting



for inmate Intensive Supervision Program (ISP) for the FY 1999 - 2000 from July 1 through June 30, 2000; carried.

#### ***Emergency Generator for Y2K***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to proceed with the rental of the Wagner Emergency Generator for Y2K purposes at the cost of a deposit for \$14,850 and a cost of \$2291.00 for 60 days to be deducted from the deposit; carried.

#### ***Translator Site - KDNK - Sunlight***

Chairman Martin mentioned the request to house the KDNK Translator site to Sunlight. The Board didn't have a problem with this in concept, but referred this to the Communication's Authority.

#### ***Carbondale Historical Society***

Chairman Martin mentioned a letter of support for the Carbondale Historical Society had been requested. The Board agreed to send a letter of support and ask them the specific dollar amount needed. The Board will request a reply in writing from Anita Witt of the Carbondale Historical Society by next meeting June 14, 1999.

#### ***Conversation - Pitkin County Commissioners***

The Pitkin County Commissioners have requested a short meeting with this Board during their Retreat in Glenwood Springs on June 30. They requested to meet from 11:30 a.m.- 1:00 p.m. with a brown bag lunch --Wednesday 1:00 P.M. Room 301.

#### ***Rural Resort***

Commissioner Stowe said they met two weeks ago and basically the focus is on the Common Client Data Base between the 5 counties and regional child care licensing. The funding is already in place for the Common Data Base which amounts to \$16 and \$18,000 coming out of the budget. With the Regional Child Care Licensing, the attempt is to license homes so they don't have to build facilities as much as just approve houses. The next meeting will be in Leadville. The TANF dollars can be used to improve the housing and assist in child care licensing. The next summit meeting is Sept. 16 & 17 in Leadville. The topic of discussion will be -- Western State of Colorado -- the 51st State or not?

#### ***County Administrator's Report - Continued***

##### ***Budget Review Process***

Ed mentioned he would like to set aside a time for the Board to provide direction on June 28 to their preference on the budget for the year 2000.

This was set on the Agenda for June 14th from 10 - 11 A.M.

##### ***Contract Administrator Position - Formerly Purchasing/Motor Pool***

This was posted in the Denver Post - Sunday, June 6, 1999.

### **SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

#### **PRE-ANNEXATION AGREEMENT REVIEW**

Don DeFord stated that Lee Leavenworth met and Don presented the May 21, 1999 draft. He highlighted the schedule and said they would like to put this in front of the Rifle City Council this week. Then bring back their approved agreement to this Board and establishing a closing date into July. There are a few oil and gas issues restricting surface right.

Discussion was held and the agreement was summarized in-depth by Don DeFord. Some of the subjects covered in the work session included: an appropriate number of tap fees; sewer fees; infrastructure - deposit 25,000 to complete the sewer system --this is in particular reference to the Fire Station at the Airport; Community Corrections as one of the uses; outside storage with screening i.e. Road and Bridge -- Screening on the northern portion, but no screening on the southern portion is required; Permitted uses include; the Map using the reverse L shape and includes appropriate designation of roads including 319 and easements for property along East Mesa Road.

With the discussion items today Don suggested he and Lee Leavenworth could move forward with the items the Board wanted added. When this comes back to the Board it will be ready for signature. Don stated this should be completed in June and by the June 28th meeting have it signed.

#### **COLORADO RIVER DISTRICT UPDATE**

Garfield County Director Dick Hunt, General Manager Eric Kuhn, and External Affairs Christopher J. Treese were present and submitted a one-page description of what the Colorado River Water Conservation District is, along with the issues and territory covered.

#### ***Port-a-Potties - Westbank***

John Haines put up potties last year for those using the riverbank during their rafting activities. There are an estimated 400 people using the bushes which is becoming a problem for water quality.

The port-a-potty costs \$400 for the summer.

A decision was made to determine who owns the property and proceed from there.

Chairman Martin would like to have this addressed as a health issue.

This was supposed to be a public access point.

Mark stated our recourse would be against the property owners.

Chairman Martin wanted to address this issue in a friendly manner and resolve for the public's welfare.

Mark's office will contact the landowner and see what kind of resolution of this issue can be determined.

#### **FEES IN LIEU**

No one showed up for the meeting.

Ed said the school board asked for this discussion. No information has been presented in writing; they only asked for time on the agenda.

#### **EXTENSION OFFICE - STAFFING UPDATE**

Carol McNeel was present. She said Pat has taken over the directorship as of June 1st.

Carol and her husband have been working on their venture for one year. Carol will work through the Fair and her last day will be the first of August.

CSU require four months to fill a vacancy. It will be a 4-H position and then a decision as to the director. She suggested a County funded position for the future.

Carol said Tuesday, Wednesday and Fridays she is at Extension. She is using her accrued leave for Monday and Thursdays.

#### ***Recess for Lunch***

### **CONSENT AGENDA**

#### **APPROVE BILLS**

The bills were presented for review by the Commissioners.

A motion was made to approve the Bills by Commissioner Stowe and seconded by Commissioner McCown; carried.

#### **AWARD BID FOR SEAL COAT/CHIP SEAL**

The May 3, 1999 RFP was submitted.

Harry's Heavy Haulers at \$650, 887.12 was the low bidder.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe in the amount of \$650,887.12 and the Chair authorized to sign; carried.

#### **SIGN AMENDED EXEMPTION PLAT: BARNETT - FRYWALD HOLDINGS, INC.**

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the amended exemption plat for Barnett-Frywald Holdings, Inc.; carried.

#### **REFER SPRING VALLEY RANCH PUD APPLICATION TO THE PLANNING COMMISSION**

A request was submitted to the Commissioners to refer Spring Valley Ranch for review of the Planning Commission.

This action was taken by a motion made by Commissioner McCown and seconded by Commissioner Stowe; carried. .

#### **SIGN REISSUED RESOLUTION FOR SPECIAL USE PERMIT FOR KEN SPANGLER AND THE REPEAL OF RESOLUTION #99-040**

{ SIGN RESOLUTION FOR A SPECIAL USE PERMIT FOR JMB PROPERTIES

{ SIGN RESOLUTION FOR A SPECIAL USE PERMIT FOR JOAN SAVAGE

1 { SIGN RESOLUTION FOR A SPECIAL USE PERMIT FOR ROCKY MOUNTAIN BAPTIST CHURCH

AND THE REPEAL OF RESOLUTION #99-041

{ SIGN REISSUED RESOLUTION FOR A SPECIAL USE PERMIT FOR TRM CORPORATION AND THE REPEAL OF RESOLUTION #99-039

{ SIGN REISSUED RESOLUTION FOR A SPECIAL USE PERMIT FOR FRANK FRASER AND THE REPEAL OF RESOLUTION #99-060

SIGN REISSUED RESOLUTION FOR A SPECIAL USE PERMIT FOR PAT GLEASON - #99-043

{ SIGN REISSUED RESOLUTION FOR A SPECIAL USE PERMIT FOR PUBLIC SERVICE COMPANY OF COLORADO

Commissioner McCown made a motion and seconded by Commissioner Stowe to authorize the Chair to sign the above named Amended Resolutions listed under the consent agenda items: Spanglers, Rocky Mountain National Gas Company; Rocky Mountain Baptist Church; TRM, Frank Fraser and Patricia Gleason; carried.

A motion to sign the Resolutions for: JMB Properties; Joan Savage; and Public Service by Commissioner McCown and seconded by Commissioner Stowe; carried.

#### **SIGN ROSE RANCH PUD/PRELIMINARY PLAN**

Victoria Giannola, Don DeFord, Tim Thulson were present. Victoria gave the final resolution to the Commissioners for review and discussed the resolution contents as compared to the motion and taped session of the public hearing.

Cash-in-lieu clause -- this was in the motion. There is a viable option of cash-in-lieu according to the motion.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the resolution concerned with the approval of a preliminary plan application for the Rose Ranch Subdivision and Land Development; carried.

#### **Preliminary Plan for Rose Ranch (Amendment)**

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a planned unit development (PUD) amendment application for the Rose Ranch Subdivision and Land Development; carried.

#### ***Recognition of Mike McBreen***

Bob Szrot said Mike's last day is next Monday. Therefore in honor of Mike McBreen they have planned a presentation next Monday - June 14, 1999 at Buffalo Valley from 11:30 A.M. - 1:00 P.M.

Commissioner Martin wanted to get a trophy or plaque with a proclamation. The Board agreed.

#### ***Janitorial Contract***

Ed explained that there was money in a different portion of the facilities management that would require a move from staff to facilities in the budget.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a contract with the New Systems Janitorial Service for the remaining months of 1999 for \$2500 per month; carried.

#### **CONTINUED CONSIDERATION FINAL PLAT, OAK MEADOWS FILING 4 -- BEAVER CREEK**

Mark stated this was a continuance. They are waiting to build the sewer plant and Building and Planning is working with them trying to work out some issues.

No one was present for Oak Meadows Filing 4 consideration today.

A motion by Commissioner McCown and seconded by Commissioner Stowe to continue this until September 7, 1999 at 1:00 P.M.; carried.

#### **CONTINUED PUBLIC HEARING: REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION ON PROPERTY IDENTIFIED AS LOTS 16 & 17, SECTIONS 2 & 3, T8S, R88W, GENERALLY LOCATED ONE MILE SOUTHEAST OF CARBONDALE. APPLICANT: MJN LAND INVESTMENTS**

This was continued from May 10, 1999.

Don DeFord, Mark Bean, Robert Nieslanik and Mark Nieslanik were present.

Mark Bean submitted a letter from the Town of Carbondale stating they do have the water taps necessary.

Mark stated that this is an exemption from the definition of subdivision on a 38.31 track of land 3/4 miles southeast of Carbondale, off of State Hwy. 133. According to the Garfield County Comprehensive Plan's Proposed Land Use Districts, the exempted lots are located in the medium density residential district (6 to less than 10 ac./du).

The project description includes four exemption parcels of 30.671, 2.642, 2.031, and 2.967 acres.

Recommendation:

Staff recommends APPROVAL, with 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, 25 ft. wide 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 Site Acquisition Fees for each exemption parcel.

That the following plat notes shall appear on the Final Exemption Plat:

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

"One (1) dog will be allowed for each residential unit within a subdivision exemption and the dog shall be required to be confined within the owners property boundaries."

units will be allowed an unrestricted number of natural gas burning stoves and appliances." "Garfield County

has a *Right-to-Farm-and-Ranch* regulation, which recognizes the important contribution agriculture makes to this County. Nuisance complaints made against customary and legal agricultural operations and practices will not be pursued."

Repair and maintenance of the access easement shall be the responsibility of the property owners subsequent to recordation of the subdivision exemption.

That the applicant provide a final copy of the "Amendment A" to the easement agreement dated 5/12/99 between the applicant and Joe & Shirley Kline, with said agreement being to the satisfaction of the County Attorney.

That the applicant amend the deed of adjacent property owners Robert and Susan Reed to include a permanent easement agreement for emergency access, with said agreement being to the satisfaction of the County Attorney.

Prior to the approval of an exemption plat, the applicant will demonstrate that all wells will meet 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
- 3) The results of the four (4) hour pump test indicating the pumping rate in gallons
- 4) A written opinion of the person conducting the well test that this well should be
- 5) An assumption of an average of no less than 3.5 people per dwelling unit, using
- 6) The water quality be tested by an approved testing laboratory and meet State
- 7) If any well is to be shared, a water sharing agreement will be filed with the exemption plat that defines the rights of the property owners to water from the well.

That the applicant provide a well sharing agreement for the existing well and the proposed exemption parcel not served by the Town of Carbondale.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request of MJN Land Investments for an exemption from the definition of subdivision as described in the staff report with the 10 recommendations as conditions of approval striking No. 10 since it was provided today; carried.

## **BUILDING AND PLANNING ISSUES**

### **REQUEST FOR SPECIAL USE PERMIT FOR TIMBER REMOVAL (NATURAL RESOURCE EXTRACTION) FROM PRIVATE LANDS. LOCATED: SOUTH OF SUNLIGHT PEAK AND EAST OF THE GARFIELD CREEK STATE WILDLIFE AREA. APPLICANT: LARRY AND VIRGINIA SCHMUESER**

Mark Bean, Don DeFord and Gary Hiner of Louisiana Pacific Forestry Offices out of Delta, Colorado were present.

Don DeFord determined that notification was in order and advised the Commissioners they were entitled to proceed.

Mark Exhibits A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and attachments; and Exhibit D - Staff report and project information.

Chairman Martin admitted Exhibits A - D into the record.

Exhibit E - King Lloyd -- CR 312.

Chairman Martin admitted Exhibit E.

King Lloyd gave a summary of the report included in the staff report.

Mr. Hiner and King are committed to watching this and making sure the 70,000 pound limit was observed.

The statement in King's letter "within 10 (TEN) calendar days after notification by the County" was something that Gary Hiner would not commit until he spoke to his attorney.

King clarified this intent.

Mark said this is a request for review of a Special Use Permit to allow timber harvest.

Mark explained that at the Planning Commission Meeting held on April 14, 1999, they moved to Approve this special use permit to allow timber harvest.

Mark stated the site is located in District F-Rural Area Severe Environmental Constraints as designed by the 1984 Garfield County Comprehensive Plan Management District Map.

Alice Billmeyer - property owner on CR 312 at 346 and Bob Ragle submitted concerns through a phone message.

Ms. Bilmier was concerned about the noise factor created by logging activities.

Mr. Ragle was concerned about the turning radius on the roads and could not make the turns without moving into the opposite lane creating a problem for local traffic.

King verified there was portions of the last 3/4 mile of upper road where the road does narrow.

King's memo dated 5/28/99 should also be noted and become conditions of approval.

Gary Hiner mentioned that they suggested mag chloride be placed on CR 312 -- letting the County do the work and they would assist with the cost. On the narrowness of the road Gary said that trucks do not need a radius of turn any more than the average truck. Placing traffic or warning signs at the questionable areas of the roads were planned in four spots as well. Additionally, trucks run in 2's or 3's with a maximum of 20 trucks round trip per day for about 4 weeks and 4 trips everyday the remaining of the time on the project. Should they run the maximum of 12,000 tons it would be 6 weeks or less. They would like to get started on this within the next few weeks.

The bond is \$100,000 blanket bond with the County. None has been allocated to the roads. The staff report calls for a \$30,000 road bond.

State Forestry review is not a requirement per Mark Bean.

Gary Hiner said that John Dennison does not want to be an inspector for private landowners. This is the purpose of having this eliminated.

Chairman Martin would like to have the County and landowner have an impartial expert involved to inspect.

Gary Hiner mentioned they belong to organizations that practice "Best Management Practices" and they do not want their reputation to go down the drain. This goes toward contract supervision and it is between a private land owner and a private contractor. They do not want to put 3rd parties into arbitrating their contracts.

Mark mentioned that the Division of Wildlife went onto the property and did review the proposed application. There is nothing in writing for the Board's review.

Gary mentioned the application process with Garfield County needs to be reviewed and changed. The one change of poundage from the 80,000 to 70,000 if renegotiated would be reduced by \$75,000 for the landowner or \$3.00 a ton. They have been very willing to get along with the County to ensure the roads were not damaged, etc. Over the years they have cooperated with the County and adjusted roads and load limits. The more they do, the more it costs them.

John Fergen - CR 312 - he was concerned about the blind curves along the road. There is no guard rail on this road and there is a 75 foot drop at one place.

Gary mentioned and suggested that a reduced speed limit to 20 mph for log truck from 35 mph and about 8 signs be enforced.

Noted for the record: if turnouts are needed, Gary stated he would volunteer the bulldozer for them.

The logs go to Olathe and Gary said he would need 10 men and 10 trucks to do the logging at a rapid pace.

Don stated in regard to the \$100,000 bond that in Item 6 the bond required for overweight loads would be satisfactory. Don stated the posting of bond would not be necessary if 70,000 lb. were observed. Don said if the Board intends to require a bond then No. 6 would need to be adjusted.

Gary requested clarification. He stated they have never hauled anything that were illegal loads and they have never drawn on their blanket bond.

Recommendation:

The Planning Commission recommends Approval with the following conditions:

That all representations of the applicant, either within the application or stated at the hearing before the Planning Commission, shall be considered conditions of approval.

The Special Use Permit shall be issued when all conditions are met, and shall expire on August 1, 2000.

All activity shall be in compliance with the application as submitted.

Prior to mobilization and/or cutting, the applicant shall obtain approval of all proposed crossings of County Roads from the Garfield County Road and Bridge Department including appropriate notification of the public as may be necessary for road closures or other activities as required.

Prior to mobilization and/or construction, the applicant or the applicant's contractor(s) shall obtain overweight vehicle permits (if applicable) from the Garfield County Road and Bridge Department.

The existing road bond shall remain in place with the Road and Bridge Department to be used for the repair of CR 312, from possible damage caused by the logging activity. The bond shall remain valid for the period of logging activity, and any subsequent use of the county road for a period of 30 days following closure of the principal logging activity.

The haul route for the timber and overweight vehicles must be approved by the County Road and Bridge supervisor prior to commencing activities.

All revegetation shall be done using a weed free seed mix.

The applicant shall follow the Best Management Practices, as indicated by the Colorado Forest Stewardship Guidelines for all logging, restoration and road building activities.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Special Use Permit for timber removal from private lands for Larry & Virginia Schmueser in the description as given along with the recommendation by the Planning Commission and to incorporate King's letter adding NO. 7 dust retardant supplied by the applicant and put down by the County; the \$100,000 bond only applicable if there is an overage of poundage on the roads; and signage on the roads by the Road and Bridge; carried.

Commissioner McCown suggested in response to Gary Hiner's comments (made off the record) that they could possibly hear these logging requests and by-pass the Planning & Zoning review.

Mark mentioned there was some stop and go with the Planning Commission on this particular application.

Gary said the size of the job was not the issue, it was where it was located. He wanted the process sped up so it would not tick off the landowner. 90% of the time the landowner solicits them.

Commissioner McCown mentioned the Commissioners had to be the balance. If the roads are messed up then they hear about the roads, etc. He assured Gary if he has applications pending of this size or approximate, the Board could hear it.

**REQUEST FOR SPECIAL USE PERMIT TO PLACE AN ACCESSORY DWELLING UNIT IN THE FLOOD FRINGE. LOCATED 0204 FLYING FISH ROAD, SOUTHEAST OF CATHERINE'S STORE. APPLICANT: JOHN W. FISH**

This will have to be re-noticed.

**DISCUSSION ITEM**

**SET PUBLIC HEARING DATE TO CONSIDER THE MID VALLEY METROPOLITAN DISTRICT SERVICE PLAN AMENDMENT**

Mark Bean said that previously submitted to the Commissioners was a service plan amendment for the Garfield County Service Area. This was reviewed in a special meeting of the Planning Commission and a recommendation was made.

The County Commissioner's responsibility is to review the same document and make a decision on the application after a public hearing. Wednesday, July 7 was recommended.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to set a public hearing on Wednesday, July 7 9:00 A.M. for the Mid Valley Metropolitan District Service Plan Amendment; carried.

Mildred and Mark will coordinate the public notices.

## **JAIL BUDGET DISCUSSION**

Previous discussions were held on May 26, 1999 with respect to the budget for the jail facility.

Ed Green presented a handout and stated getting a final scope on the jail is the subject of today's discussion.

This is necessary for Reilly Johnson to submit to the City. 3-5580

Parking during construction -- the first thing was the issuance to RFRHA requesting use of the Wye for parking.

Phyllis and the EPIC Committee will be working on this issue and a survey will be completed.

Reilly Johnson and the construction package designs some consideration on how to deal with the construction workers in respect to parking.

Ed summarized there were a lot of issues yet to be resolved on this parking issue.

There is a \$2 million budget problem based on the analysis provided by Allen Sartin. Several meetings have been held to deal with this problem.

The first meeting was with Sam Skramstad and the City of Glenwood Springs. Sam worked with the Council and said they will offer \$351,000 as in-kind with waiver of all fees associated with the new jail facility.

The other thing Sam offered was \$240,000 for all utility relocation and \$250,000 for City's share of site preparation. Total of \$490,000.

There was a meeting with Correction Management Inc. (CMI), to secure up front financing. Scott Wood offered to pay \$500,000 for a five year lease agreement. This would establish a cost per day of \$48 for each work release client. This would mean the County would pay \$600,000 per year. Tom can do the same thing for \$240,000. There is a difference of \$600,000 for \$400,000. This is not a cost effective alternative.

Ed contacted Tim Sarmo of Energy Impact - State of Colorado - about how he felt this project would be received. The Energy Impact Committee may think about this. They have decided to concentrate on two areas: 1) direct energy impact related to oil and gas; and 2) indirect related. Tim felt it could fall into the direct energy. Tim estimated a possibility of up to \$500,000 and to submit a request for \$500,000 in this August cycle.

This leaves us a \$1 million deficit.

On Friday, discussions were held with Reilly Johnson, Tom, and Ed.

Harvey Whitcomb from Reilly Johnson worked on what they had discussed over the weekend.

Ed said there were four main containment areas in the main jail areas rather than two and eliminating some of the recreational areas and having them shared on different levels. Apparently even with these changes, Harvey can't get rid of an entire floor. The objective there is that one floor would save us about \$2 to 2.5 million.

Ed recapped the 2. million deficit at the request of the public.

Cost of the jail is \$13.5 million according to the Reilly Johnson estimate

\$3.5 million in capital improvements fund

- \$1. million approved by the Board this morning for the purchase of the Howard property adjacent to the Airport Property in Rifle - the Pre-Annexation Agreement

leaves \$2.5 million for the jail held by the County and earmarked for the jail

Ed projected possibly receiving:

\$500,000 energy impact

\$500,000 from city

Ed summarized that they are \$1 million short for the jail.

Discussion was held as to ways to find the \$1 million.

Harvey Whitcomb said he looked at this over the weekend as to how to take dollars out of the project.

What they investigated so far does not seem to be a viable solution. One Concept was to try to take a whole level off the jail relocating the administrative portion over the sally port and completing the training room and exercise rooms later.

The cost per square foot was determined at an average of \$180.

Tom reminded the Board that security issues could not be compromised. The other thing is that this design is cut to the bone. Every space that is preserved for a function now that could be flexible and used later in the life of this building may be very well get used that way. On the ground floor, the number of beds

available in work release -- they are basically at where we are now. Where will work release be in 10 - 15 years. He added that he was inflexible in cutting the control room and security.

Harvey mentioned this jail has an estimated life of 20 years.

Chairman Martin stated it is wrong to freeze revenues -- revenues will increase and things will equate out. Commissioner Stowe suggested the architect look at reducing the four floors each by 8 - 10 feet which would equate to \$648,000 and put the dollar figure within reach.

Harvey will look at it and can tell within a day or two. He will ask questions of Tom and the board to see what things can be squeezed.

If Tom says the new design won't work and if Harvey said they can't - then we can't afford it.

Harvey commented that this plan was done very quickly as a feasibility - not even a schematic plan. There is some fat in the upper two levels but he wasn't sure it was as much as 10 feet. He gave the Commissioners hope that he could cut about \$700,000 but it will be tough and the Commissioners may not like the tradeoffs. This will result in a major redesign and felt the County would be fortunate if the life of the jail equates to 20 years. Some functions will need to be cut on the first two floors in order to cut the plan by the footage asked by Commissioner Stowe.

Commissioner Stowe mentioned he didn't want to compromise this facility but he didn't want to bankrupt the county either.

Comment was made that in trying to accommodate the City, the four story building is more costly.

Harvey concluded that some massaging is needed in the plan. He planned to return to Denver, take a hard look to see if 10 feet can be cut from the floors.

Chairman Martin suggested sitting down with the architect, the sheriff and get down to the hard-core design of this building -- determine the cost, get the financing in order and built the jail. He said waiting one more week would not be devastating to the construction time frame.

A time was set for June 14th from 10 - 11 A.M. to continue the discussion on the jail.

Public Comment:

Dave Sturges said everything he has ever heard or read in the newspapers stated the County had \$3.5 million earmarked for the jail. His concern was that now that's down to \$2.5 million. He questioned why the agenda was not clearer that the Board was going to consider other projects such as the property purchased that eliminated \$1 million from the jail construction -- he would like to have had some input into that discussion. His contention is that the \$1 million came off of what was to be available for the jail. He reiterated that the Commissioners should allow the public to understand the significance of the dollar decisions.

Commissioner McCown defended the Board's decision stating that until a month ago, Rifle property and the jail were married. That is where the jail was going to be built.

***Adjourn 5:20 P.M.***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn; carried.



**JUNE 14, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 14, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**COUNTY ATTORNEY'S UPDATE**

Don DeFord and Mary Lynn Stevens requested the scheduling for the Board of Equalization hearings. August 3, 4, and 5 were scheduled.

Don mentioned there were about 800 appeals but usually the Board only hears about 10% or less.

***Executive Session - Lofton Litigation; RFRHA Answer; Pre-Annexation Agreement with Rifle***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Action Taken:

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to allow counsel to proceed with 3rd party counter claim in breach of contract with RFRHA; carried.

Commissioner McCown made a motion to continue the Executive Session until 4:00 P.M. to discuss personnel issues. Commissioner Stowe seconded; carried.

**COUNTY ADMINISTRATOR'S UPDATE**

Ed Green provided the Commissioners with the following report:

Allen completed the audit report. The scope is for statistical tables which are in accordance with the audit is \$500 and the other is for component unit review of Boards and Commissions which are associated with the Board of County Commissioners is \$1,000.

A motion to support the additional audit requirements recommended by Allen Sartin for \$500 and one for \$1,000 was made by Commissioner Stowe and seconded by Commissioner McCown; carried.

***EPSDT Contract Extension***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign the request from the State for the EPSDT contract extension for an additional \$21,220; carried.

***KDNK - Relocation from Lookout to Sunlight***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to approve KDNK to relocate their translator to the Lookout Mountain Facility at no cost; carried.

***ISP - Community Correction Contract***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Intensive Supervision Program (ISP) contract for Community Corrections; carried.

***Airport - Engineer for Airport Project***

Ed mentioned the finalists will be reviewed and one selected on June 24, 1999.

***Steel Bids - Fairgrounds***

Bob Szrot and Ed Green were present for this discussion. Ed said the budget is in excess of \$500,000 and those funds come exclusively from the Lottery Funds -- GoCo -- and these funds cannot be commingled with County funds.

Bob reported that the bids came in very well. There were 20 bids. The top three were: Eagle Span \$249,193; G & R Builders \$255,000; and the next lowest bid was in the \$270,000's.

Because the two bids were so close, Bob said he would like to get the construction contract and support person to take a look at these two bids for evaluation on engineering and make sure that Bob didn't miss something. Bob said of the overall project that we are getting the building installation and the springing system all within the price that he thought would be just for the metal building.

#### ***Consultant - Engineering***

Ed said that Bob submitted a request for contract approval associated with engineering construction support in order to assure the arena project progresses in a timely fashion. The contract is with Schroeder and Associates for utility engineering, construction management and construction management services associated with the erection of the facility. The contract will not exceed a total of \$18,000 -- \$10,000 is included in the County Engineer's estimate for completion of the project and \$8,000 is available in his office operation's budget.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the signature of the Chair to sign the Contract with Schroeder and Associates not to exceed \$18,000; carried.

#### ***Institutional Controls Area West of Rifle***

Commissioner Martin, Mark Bean and Ed attended a meeting last week hosted by State Representative Russell George and the Department of Energy. The purpose of the meeting was to come to an agreement on Institutional Controls and how they relate to other measures for remediation of the aquifer west of the city. An action item was generated from that to draft language to govern the pot of \$7 million that has been transferred into local affairs. This money is basically the State's federal grant match money for any UMPTRA mediation project that is eventually commissioned. Ed's concern is that 1) the administration of the \$7 million dollars. When it went to local affairs there were no strings attached to it and goes into their general pot.

The way it appears to be administered is "first hog to the troth." Ed said Mary Brown who is the director of the State EPA element and her concern is that she needs to have some of those funds to continue to monitor the ground water analysis in that area; therefore the administration of these funds presents a concern to her as well. There is a difference in what needs to be protected on the west side. Ed sees the bigger part of this is protection of the growth corridor in the county along the I-70 Corridor. He suggested that Garfield County and the City of Rifle be in sync as to what should be our approach to this land to the west of Rifle. Commissioner McCown said he feels it is Department of Energy's problem. Garfield County nor the City of Rifle should have to assume responsibility for this problem. Rifle and Garfield County should decide together. Remediation should be the focus and he agreed there was a need to establish a unified position. Ed said based on the discussion there is still money available for such a remediation; he offered a suggestion that the elected to elected get together and work this out.

Chairman Martin added that also a planner to planner to work on the growth potential in that area. Ed will arrange a meeting with the City Council of Rifle within the next couple of weeks.

#### ***KVS User Group***

Allen Sartin has been invited to make a presentation before the KVS user group. KVS is the company we purchased the new financial data system from. They will pay for most of the travel associated with this but the County will need to put in about \$200 - \$300 for the plane ticket and a portion of per diem costs. Ed estimated no more than \$500. The principal benefit to Garfield County is that KVS also wants Allen to be part of the data system user's group. That designation will allow us to play a part in KVS's approach to system development and customer service. Funds are available in the travel budget and requested the Board's approval for Allen to make that presentation.

Commissioner McCown so moved and Commissioner Stowe seconded; motion carried.

#### ***Strategic Planning and Personnel***

Ed said the Strategic Planning Committee and the personnel group have expressed concern regarding formal training offered to County employees for computer training. This has been a disservice to the employees and made it difficult for a transition into computerized systems that govern our processes. Using funds that have been budgeted as part of Human Resources, this has been changed and seven separate computer classes which will introduce employees to Microsoft Windows, Microsoft Office, Excel and Word at a cost of \$30 per employee has been scheduled in July and August.

The Commissioners agreed this was essential.

## EMPLOYEE OF THE MONTH

Jeff Hoffmeister with the Sheriff's Department was named the Employee of the Month.

### *Executive Session - Lofton -- RFRHA -- CR 109 -- Rifle Annex Property*

A motion was made by Commissioner McCown to go into Executive Session. Commissioner Stowe seconded the motion; carried.

A motion was made by Commissioner McCown to come out of Executive Session. Commissioner Stowe seconded the motion; carried.

### *County Attorney -- Direction*

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to allow counsel to proceed with third party counter claim in breach of contract proceedings with RFRHA; and to continue an Executive Session until 4:00 P.M. to discuss issues; carried.

## AIRPORT MANAGER UPDATE

Ken Maenpa and Carolyn Dalghren were present.

Ken handed out his written report and Manager's update that included the following update on the status of operations and fuel sales for the year-to-date:

Just under 7,000 total operations as comparison to last year this time is about 2,000 fewer operations; however, on the dollar side, total fuel sales to date -- the Airport sold 204,000 gallons of fuel and this is 6,000 gallons over last year.

Ken stated he has evaluated the needs for the Airport.

*Needs for the Airport - Immediate Action - Ken is currently working on.*

Secure Funding for Y2K Airport Improvement Project - 6/28/99

- Selection of an Engineer approximately

- AIP Scheduled - Extension of the partial parallel taxi way. Estimated total cost is

- Update 6 year CIP. Complete 5/26/99

Establish a working relationship with the cities of Rifle and Silt

- Invite input for future development

Airport Leases

- Review

lease rate for undeveloped land.  
square foot.

- Recommend 16 cents per

Short Term Goals

Airport Policy Statement

Support County plan to improve infrastructure

Continue planning and move forward with the Joint-Use-Emergency Building

- Meeting with the design/contractor. Rifle Fire District and BLM on Wed. 6/9/99

Adopt Airport Rules and Regulations

Adopt Airport Minimum Standards for Commercial Aeronautical Use.

- License Commercial Activity on the Airport

- Why?

- Improve

Assurances

- Level Playing Field

Utilize the ALP Update as a tool for Planning Airport Development Long Term

Airport Marketing

- Exhibit and

Business Parks

Comprehensive Airport Master Plan Study

- Eligible for

Comprehensive Airport Master Plan Study

- Eligible for

Establish Land Use Guidelines that are adopted by Garfield County, Rifle and Silt

- Compatible land uses

The Future

Identify, Plan and Develop the airport for the needs of the Community

- Garfield County, State

Review the development possibilities on the north side of the runway

- Restaurant

Development

Ken explained each one of these in depth.

Chairman Martin suggested coordinating with the Glenwood Springs Airport.

Rows of 20 T-Hangers were suggested. With the navigational aids available on the Airport Ken stated this would be a great tool.

On the subject of Aviation Engineering and Avionics: The Commissioners suggested that the plans need to be considered and assist the current participants at the Airport in helping them stay in business. Ken suggested that T-Hangers can be brought in, set on a strip of asphalt, sold or leased. He started a list of individuals who were interested and they are interested enough to put \$1000 each to make this happen. Ken added that individuals could purchase a T-Hanger with a covenant to least 10 - 15 years, maintain the facility and building or it will become the Counties. The concept is similar to a storage shed. The Board directed Ken to do more research and come back to the Board on these hangers.

## **JAIL BUDGET DISCUSSION**

Deputy Sheriff Jim Sears, Dan Hall, Barbara Sunderland, Don DeFord, Allen Matlosz Mark Bean, Allen Sartin, Bob Szrot, Al Maggard, and Dave Sturges were present for the discussion. Harvey Whitcomb from Reilly Johnson gave the update from the meeting held June 7 and again with Tom Dalessandri on Wednesday, June 8 regarding cutting square footage from the building plans for the new jail.

### ***Reilly Johnson - Bob Johnson - Scope of the Project***

Harvey Whitcomb and Bob Johnson from Reilly Johnson were present. Bob summarized the scope of the project. He said that he and Sheriff Dalessandri met and worked on the floor plan. They were able to remove 2,000 feet by removing the exercise area for the Sheriff's staff and narrowing the corridor -- savings = \$130,000. Bob and Harvey stated they both think brick will be required on the outside so the saved \$360,000 becomes \$120,000. The floor plan is extremely close to the standards required and includes 196 +/- one bed. Bob said they have cut all they can without cutting beds.

Bob stated Harvey and he will meeting with Schmueser Gordon Meyer and the City of Glenwood Springs today.

Commissioner Stowe requested they look at the 3rd floor monitoring room to see if it can be combined with the monitoring room on the first floor.

Tom said the control room on the first floor has the monitors for visitors. He said he would look at having all monitoring from one control room.

Commissioner Stowe mentioned his concern is the staffing. How can the staff be reduced?

Tom mentioned in the daytime he needed 11 staff. In the evening that can be pared down substantially.

### ***Administrative and Financial***

Allen Sartin and Alan Matlosz were the main presenters.

Ed and Allen organized the funds and cost for this project as to how it will be financed and presented this to the Commissioners in a handout.

Certificates of Participation - in this process the degree to what we can be funded with borrowed money. The new building construction funds only are borrowed. The various entities were identified and who pays for what. Allen mentioned with respect to the miscellaneous items, they were the most at-risk systems and he wanted and needed to get these numbers refined.

Cash on hand for the jail is at \$2.763; only remaining issue is the borrowing. He projected with a 25 year term loan we can get in that ballpark at current rates. \$10 million or slightly more at 5%. would equal a debt service \$750,000-\$800,000 a year.

### ***Alan Matlosz - George K. Baum & Co.***

The main issue is in light of the Supreme Court that affirmed use of 2-5810 - must be in accordance with that opinion. The issue is that the security for the financing should not exceed the amount borrowed.

Alan and Allen met and are currently at a point that there is no need to condomize the building.

Preliminary discussion we are okay. How to allocate the architect and engineers fees.

On bond fees, the Supreme Court recent ruling states that all financing as related to the construction of a building and all costs of issuance could be through the financing.

Two Approaches - County's and Underwriter's Perspective

Allen stated there would be some period of time when proceeds from the loan will be available for investment and will create interest. Say for instance a period of 18 months would generate \$375,000 in interest and this can be used for the project.

Interest rates are still low but most feel there will be a raise in those rates at the end of this month.

Therefore, the suggestion was made to do it and lock it in.

Alan Matlosz said the County could close in 45 days on the loan. He also stated that we were close enough to make this work and there is no penalty for early payoff of the loan. The Tax Code states that the anticipate spending of the loan proceeds have to be within 3 years. However, with some extenuating circumstances, this can actually be extended to 5 years. He gave an example such as the County could get a certificate from a professional engineer to delay it.

Commissioner McCown reviewed the spending as: County spending \$2.763; borrowing \$9.953; City contributing \$856,594 and this makes the project \$13,573,000 if you add all three figures together.

#### ***UPL Building Demolition***

Dale stated the demolition of the UPL building was originally estimated to cost the County \$113,000.

#### ***Future Financing for Garfield County***

Commissioner McCown asked for clarification on the 25 year debt service and what affect this might have on any future financing that Garfield County might need for other major capital improvements.

Alan Matlosz stated that they were taking a percentage of the money available -- a million of so every year which is more or less being dedicated for the jail. In putting this financing together they have not considered any inflation in the figure. They but they did not include any inflation. The capital expenditures are based on property tax assessments. He stressed that the projects would be separate and your ability to pay affects your ability to borrow.

#### ***Control Room -- Staffing -- Reevaluate***

Commissioner Stowe asked Sheriff Dalessandri to take another look at the one control room versus the two separate locations for the possibility of cutting down on staff. He stated that if this was not possible that he would defer to the Sheriff's decision.

Tom agreed to reevaluate and get back to the Board.

#### ***Gross Maximum Price***

Commissioner McCown agreed to proceed under the concept of the project maximum.

Allen Sartin - the unallocated budget would take us \$14,297,824 ceiling.

Commissioner McCown made a statement for the record that the \$20 million number that came up in Rifle for the same facility, two story with a Criminal Justice Center; we've moved it down here and are building a 192 bed facility and looking at \$14.2 million with no room for expansion.

#### ***Motion***

Commissioner Stowe made a motion to approve the jail project in the amount not to exceed \$14,297,824 all contributions being acknowledged from the City to arrive at that point of reserved funds and that we take all steps necessary in the process to make that number come in lower if we can.

Commissioner McCown seconded the motion.

Vote: Stowe, aye; McCown, aye; and Martin, aye. Motion carried.

Don DeFord asked the Board and Bob Johnson regarding the way the agreement is written now it is based on a Release to Contract format, therefore what is an appropriate point or phase should the County move before another decision needs to be made on financing.

Bob Johnson defined the phases as: Schematic, Design Build, Construction, etc. Schematic design is generally 15% of the way through the job so this is a point. We can deliver an estimate at that point and check again. The next point is Design Development and that's generally 35% of the way through the project. So one of those commitments take about \$150,000 and the other takes about \$350,000. Bob said either one would be fine -- he was more concerned about the GMP contract or contract for selection. Bob said they go 25% of the way through construction documents which would put us about 45% of the way through of their costs which would be about \$400,000 before they would need the GMP contract.

Don asked how long would it take R/J to get to that point where proposals would be requested?

Bob Johnson responded 12 weeks minimum.

Don stated he would like to have this released to contract as part of the overall agreement with Reilly Johnson and therefore asked the Board for direction as to which point they wanted to identify.

Bob Johnson stated he would be back at the 15% or Schematic phase as the first check point.

Don reiterated that the first release would be at Schematic.

Bob Johnson stated this would take 30 days.

The timeline and direction with the design if the 7 1/2 feet can be eliminated and changing from two to one control room needs to be done right away.

A date for the Jail Schematic Design and Permit was scheduled for July 19 at 10:00 A.M.

Don DeFord said he would like an authorization for the Chair to sign an agreement with Bob Johnson on a Release to Contract Format as previously used by the County anticipating the first release to be at the Schematic Design by July 19th.

Commissioner Stowe so moved. Commissioner McCown seconded. Motion carried.

Other issues discussed included the State Grant from the Department of Local Affairs that would not be awarded until November 15; construction start date of Spring 2000; the utilities; demolition of the UPL building; the pros and cons of foundation being started in the Winter versus Spring; and the time frame for when the County wants the money from George K. Baum.

Allen suggested mid-September would be the time frame for securing the money.

Alan Matlosz stated the documents require the most time and therefore suggested putting these together quickly in case something changed drastically in the market thereby enabling the Commissioners the ability to lock in the rates.

#### ***Gross Maximum Price (GMP)***

Bob Johnson stated that by June 28th he could give an opinion on the Jail Project Structure GMP.

This was set on the agenda from 10 A.M. to 10:30 A.M.

Alan Matlosz and Blake Jordan were asked to either be present or available by telephone on July 19th.

#### ***Direction to Proceed***

Commissioner McCown made a motion to authorize to Alan Matlosz to work with Blake Jordan generating the legal documents to put the financing together in the amount that we determined today of \$9.953 million; motion carried.

#### ***Surveys -- Permitting with the City***

Bob Johnson mentioned they still did not have the survey from Sam Phelps once we have those. Schmueser Gordon Meyer needs 30 days. All the site engineering needs to be done for the permit request from the City. Therefore, if the survey is completed by July 18, then to the City and it would be September 1st -- we are one month behind.

Don summarized that the staff has: authority for financing and authority for contracting maximum budget project.

The target date is mid to late September for the financing package to be complete.

The application to the City Planning & Zoning is the problem now.

### **CONSENT AGENDA ITEMS:**

#### **SIGN SPECIAL USE PERMIT: JOHNSON**

Commissioner Stowe made a motion and seconded by Commissioner McCown to authorize the Chair to sign the Special Use permit for Johnson; carried.

#### **SIGN AMENDMENTS TO THE GARFIELD COUNTY AFFORDABLE HOUSING REGULATION RESOLUTION**

Calvin Lee and Victoria Giannola were present.

Victoria reviewed the changes made and Calvin Lee pointed out one correction that needed to be made on page 2 of 4 in Item 1 in the Resolution that Section 4.07.141 "priority shall be given to Garfield County employees (should be citizens)" also Item 4 that contained that same sentence; Section 5.09.041 "priority will be given to Garfield County employees (should be citizens);" the regulations should have that statement inserted according to those two sections.

Calvin also noted an additional change, "that only PUD's asking for an increase in density be required to have affordable housing."

Commissioner McCown noted that in the regulations it is referenced in Section 4.07.15.01(1) says "**all** Planned Unit Development Proposal **must** provide for at least 10% of housing needs for affordable housing."

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the amendments to the Garfield County Affordable Housing Regulation Resolution and pertaining to supplementary regulations and planned unit developments with changes noted regarding the

only time that affordable housing is required is if there is an increase in density and Garfield County citizens given priority as corrections were made today. carried.

### **RIPPY ANNEXATION**

Commissioner Stowe moved to authorize the Chair to sign the Rippy Annexation. Commissioner McCown seconded; carried.

### **FAIRGROUND AGREEMENTS**

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Fairground Contracts for the All Breed Horse Show and Little Britches Rodeo; carried.

### **APPROVE BILLS**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the bills as presented; carried.

#### ***Human Services Contracts - Cooper Corner Adult Day Care***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Human Services Contract for the Cooper Corner Adult Day Care; carried.

#### ***Letter - Abandon Baxter Pass - Top of the Road***

Ed was directed to answer the letter stating that no, the County does not have any intentions of abandoning the top portion of Baxter Pass.

#### ***US. Interior - Roan Cliff Wilderness Area***

Chairman Martin stated there was a meeting for the Roan Cliff Wilderness Area to be held on July 22 - 27, 1999.

Chairman Martin asked for the Board's opinion that he might carry that to them.

Commissioner McCown stated his opinion that very little input and studies have been used in the review of the area. BLM's interpretation of a road or a way is in question. What is described as a road thus disqualifying it from the wilderness prospect is determined to be a way by the evaluation and it would still qualify for the 5,000 continuous acres and qualify for wilderness.

Therefore, a "road" versus a "way" is a primary concern.

Chairman Martin mentioned that oil and gas would be represented; the environmental organization; the grazing aspect; recreational vehicle representatives; the outfitters; and he.

### **PUBLIC HEARING: ABATEMENTS**

Sean McCourt and Steve Rippy from the Assessor's office presented the abatements to the Commissioners.

#### **A. KN ENERGY -**

Sean McCourt explained that this consisted of a pipeline that runs from Parachute to Rulison put in late 1996 and the Assessors' pickup up under Rulison Gas Company. KN Energy entered into a joint partnership that made them owners. This was a duplication of the same system. The old schedule numbers under Rulison Gas includes a gas plant. The abatements are for over \$80,000. This abatement is a matter of process -- no money was paid by KN Energy. What confuses the issue is the public utilities assessments. Commissioner McCown stated he would take this to the Northwest Oil and Gas Commission on better reporting if the Assessor's office would write something up.

**B. THE MARBLE SHOP - Furniture and Fixtures - Personal Property - Leasing Equipment - \$2,334.88.**

**C. CIT GROUP/EQUIPMENT FINANCING INC. - Personal Property - Leased Equipment with SMM tags \$1963.81.**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the abatements as presented since they were both double assessments; carried.

### **ADOPTION OF CITIZENS REVIEW PANEL GUIDELINES - DEPARTMENT OF SOCIAL SERVICES**

Carolyn Dalghren and Margaret Long were present.

Carolyn presented the guidelines that were completed in July 1997. Section 19.311 forces the Commissioners to set this review panel and it was put into effect in July 1997. In December of 1997 the

Commissioners established our Citizens Review Panel and empowered the Chair to sign a second Resolution appointment members. The members were appointed in April of 1998 - Arnold Mackley, Sandy Steel and Maureen Willman. In 1998 the Board also entered into an IGA with the five resort communities that we normally work with. This panel acts as an advisory group first to Margaret Long, and if the citizen bringing the complaint cannot work out an agreement with the Department, they are an advisory to this Board of Commissioners. The person(s) that can bring this grievance are few and the guidelines are narrow in scope.

Carolyn mentioned these guidelines have been discussed with both Dale Hancock and Margaret Long. Dale was named as the administrator. The Board stated that this should be corrected to "administrator." There is an informal agreement between San Miguel and Garfield County to switch off in case there is a claim filed.

Carolyn reported that only one case in one county has been filed since this was instituted. She added that when this was being implemented it was projected there would be a great deal of complaints filed on the front range. It hasn't happened.

Chairman Martin mentioned that the committee members need to be contacted to see if they were willing to continue to serve.

#### ***Adopt the Guidelines***

Commissioner McCown made a motion to request the assistant County Attorney to contact the current members appointed to the Committee to see if they would continue to serve. Commissioner Stowe seconded; carried.

#### ***Certification of the Workenders Program***

Ed said this is a certification to the State that there is money available.

A motion was made that the Chair to authorized to sign the matching of funds to the State for the Workenders Program by Commissioner Stowe and seconded by Commissioner McCown; carried.

#### **REQUEST FOR SPECIAL USE PERMIT FOR TWO (2) ACCESSORY DWELLING UNITS, ONE (1) ON LOT 2 AND ONE (1) ON LOT 3. LOCATED: 1030 COUNTY ROAD 102, CARBONDALE, CO. APPLICANT: M.F. WILENTA, INC.**

Kit Lyon, Don DeFord, Barbara Kozelka from Coloia and Houpt for the applicant were present. Don determined that notification was adequate and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit submitted the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - 1978 Zoning Resolution as amended and Exhibit D - Staff Report and Project Information.

Kit said this is a request for a special use permit to allow the placement of one accessory dwelling unit on Lot 2 and one accessory dwelling unit on Lot 3 on a total of 24 +/- acres located at 1030 County Road 102. The site is primarily gently rolling pasture land. Lot 2 is 11 acres; Lot 2 is 12 acres; and Lot 3 is 11 acres. Recommendation:

Staff recommends APPROVAL with the following conditions:

- To ensure that the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County; 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.
- To ensure that the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County. That the applicant comply with the Zoning Resolution of 1978.
- To ensure that the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County. That all State and Local health standards be complied with. The applicant shall acquire adequate ISDS permits at the time of issuance of building permits.
- Pursuant to the 1978 Garfield County Zoning Resolution, a.a. Section 3.02 and 2.02.52 (1): The applicant must complete and record a boundary line adjustment affidavit between Lots 2 and 3, as shown on the plan. A special use permit for the accessory dwelling unit on Lot 3 may be granted



only after the boundary line adjustment, as indicated on the site plan, is completed and recorded in the Garfield County Clerk and Recorder's office.

Pursuant to the 1978 Garfield County Zoning Resolution, a.a. Section 3.02 and 5.03.(2): A copy of a recorded access easement shall be submitted to the Planning Department prior to issuance of a special use permit in order to ensure legal access to Lots 1 and 3.

Pursuant to the 1978 Garfield County Zoning Resolution, a.a. Section 5.03.021 (4) and 5.03 (1). Prior to issuance of the special use permit the applicant shall provide to the planning department the following:

A. An adequate water sharing agreement for review and approval; the agreement shall contain a provision that no more than one (1) dwelling unit will be allowed on the 35 acre tract on a portion of the SE 1/4, SE 1/4, Section 20, Township 7 South, Range 87W. of the 6th P.M. (also known as parcel #2391-204-00-180) unless another adequate legal source of water is provided.

B. Recorded easements for well maintenance which guarantee access to the wells.

C. Proof that the ownership of well permits #215185 has been transferred from Wilson Harriman to M. F. Wilenta, Inc./Eugene Chiarelli (President).

Applicant:

Barbara Kozelka commented that with respect to Condition 6C that a document from the Division of Water Resources well permit No. 215185 should be submitted as an exhibit.

This was admitted as Exhibit E and admitted into the record by Chairman Martin.

Barbara also clarified the record stating that the adjoining 35 acre parcel to the east is actually titled in the name of Eugene Chiarelli, LLC. but Mr. Chiarelli is the president of the applicant so the phase that they are under the common ownership is not technically correct but as a practical matter is correct.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner and seconded by Commissioner to follow staff's recommendations to approve the request for a special use permit for two accessory dwelling units for M. F. Wilenta, Inc. at 1030 County Road 102; carried.

Commissioner Stowe amended his motion to stay consistent with Right to Farm, Fire Safety and the "one dog" restriction.

McCown amended his second.

Motion carried.

**REQUEST FOR SPECIAL USE PERMIT FOR A DUPLEX IN A/R/RD ZONE DISTRICT.  
LOCATED: 206 COUNTY ROAD 301, PARACHUTE, CO. APPLICANT: DAN WIEGNER**

John Barbee, Don DeFord, Melody Massey of Stuver and George for the applicant and Dan Wiegner were present.

Don determined that notification was adequate and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John submitted the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Comprehensive Plan; Exhibit D - 1978 Zoning Resolution; Exhibit E - Subdivision Regulations; and Exhibit F - Staff Report and Attachments.

Chairman Martin entered Exhibits A - F into record.

John said this is a request for review of a Special Use Permit to allow for a duplex in the A/R/RD district on a .50 acre site surrounded by the Town of Parachute on the north and Battlement Mesa PUD on the south. Access is via County Road 301.

A modular home and detached shop currently occupy the site. Both buildings are serviced by the Parachute water system. The applicant is pursuing a SUP in order to connect the shop via a breezeway to the existing residence to create a duplex.

John read the following Recommendations into the record:

Staff recommends APPROVAL with the following conditions of approval:

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 Special Use Permit shall be issued when all conditions are met, and shall expire 180 days after issuance unless the structure has been constructed. Extensions can be granted by the Board of County Commissioners.

That the all proposed structures are built and remain in place, as indicated on the site plan and application without modification for any reason. Any alteration or modification shall make the special use permit null and void.

That no further expansion of any structure, including decks, on the site as indicated in the application shall be allowed.

That the duplex units shall never be permitted to be held with separate ownership interests.

Applicant:

Melody stated as to the water they did receive a statement of adequate water. The applicant represented that a family member does intend to live in the modular home to look after him until his daughter sells her home.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a special use permit; carried.

**REQUEST FOR APPROVAL FOR EXEMPTION FROM THE DEFINITION OF SUBDIVISION.  
LOCATED: 1121 SWEETWATER ROAD. APPLICANT: DAREN E. OLSON**

Kit Lyons, Don DeFord, Daren E. Olson, Attorney Fran Cadez from Eagle representing Mr. Olson were present.

Fran Cadez stated that the notice was posted with a slight modification -- it stated that the description on the notice did not reflect the petitioner's petition for exemption and so they adjusted what the subdivision split would reflect in terms of the 2 acreage for the resulting property.

Don asked Fran to describe this more in terms of the application.

Fran stated that the description on the notice indicated that the subdivision would create 2 parcels of 2.3 and 3.7 acres more or less with the parent tract being a 6 acre parcel.

Don inquired as to what was this in variance to the Planning Department.

Fran stated that is what is at issue here today.

Don determined that notification was adequate and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit submitted the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Section 8 of the Garfield County Regulations;

Exhibit D - Staff Report with Exhibits; Exhibit E - Letter from adjacent landowner; and Exhibit F - Final ruling of the water court.

Chairman Martin admitted A - F into the record.

Kit Lyon said this is an exemption from the definition of subdivision for Daren Olson on a 6.1 acre tract of land located about 8 miles up Sweetwater Road (CR 150).

The subject of discussion and concern is if adequate posting and notification that would provide the minimum lot size of 1 acres will be demonstrated by this petition.

Attorney Fran Cadez explained that this is a petition for exemption

The recommendation was read into the record by Kit.

Staff reiterates that pursuant to Section 8.52A, this is a discretionary decision which the Board is not obligated to approve. Staff recommends DENIAL for the following reasons:

The lots that would result from this division of land have not been proven to meet the minimum requirements set forth in the Zoning Resolution of 1978, as amended. More specifically, Sections 2.02.34.(1) (definition of a lot), 3.02.04 (minimum lot size), 5.04.02(2) (supplementary lot regulations), 5.05.02 (live stream setback), 5.04.02(3) (access easement and driveway grade less than 14%) have not been demonstrated to be in compliance.

The requirements of Section 8:00 of the Subdivision Regulations of 1984 have not been proven to be in compliance. More specifically, Section 8:10 (detriment to the general public welfare), 8.52B (all zoning requirements be met) 8.52C (legal access), 8:52E (state and local health regulations), 8:41A (access easements to be shown on the sketch plan) and 8:42D (proof of legal adequate source of water) remain unresolved.

The Colorado State Board of Health individual sewage disposal systems minimum standards have not been demonstrated to be in compliance. More specifically, information about the live stream setback and the water table has not been submitted proving ability to comply to these regulations. Access - Kit mentioned that on the site plan, the County road goes through one of the lots and the information about access has not been provided.

Attorney Cadez in regard to the Exhibits - does the staff report include the petition for exemption, mentioned the petition was submitted and met the requirements for it. The primary issue is where the subdivision ought to occur. CR 150 splits Mr. Olson's property. The CR ought to be included in the Lot 1. Mr. Olson owns the road by deed and pays taxes on. If he is unable to use his property then he is denied property rights. The County does have a prescriptive easement to use the road. If this was not considered, we end up looking at a "Taking" here. Beneficial use and fairness to Mr. Olson were encouraged. According to Kit Lyon division law on the public right-of-way really is not defined anywhere in the regulation and whether you include the entire parcel of the road which Mr. Olson owns in the subdivision and in the creation of lot 1 or just a portion of it he would still have a complying resulting one acre lot in the split. The second part of their position has to do with the additional concerns that the Planning Department has in regards to the zoning requirements on the resultant parcel, or lot 2 that lies along Sweetwater Creek. This information in terms of the staff report was faxed to her office on Friday. Attorney Cadez said that in considering the subdivision split at this point, Mr. Olson meets all the requirements for the Board's discretionary approval. However, she added that in order for him to build on lot 2 which is the resulting lot, that he would have to meet zoning requirements before he ever pulled a building permit. However, due to the late notice, they have not been able to specifically address some of the concerns of the planning staff. They have supplied them with an adjudicated water right ruling recognizing that Mr. Olson has to apply for a water well permit for the second parcel as well. She mentioned that Mr. Olson does have a driveway permit and it erroneously refers to the north tract of Mr. Olson's property and pointed out that the driveway of his primary dwelling was years before the date noted as Jan. 99.

Mr. Olson identified Kenny Gardner as the one that approved the driveway.

Attorney Cadez asked to have the Board approve the petition.

Don asked if more time was needed to address the concerns addressed by the staff?; and did the applicant want a continuance?

Mr. Olson said that yes.

Attorney Cadez stated they would like the Board to condition their approval.

### ***Public Comment***

Shirley and Elmer Herman and are supporting his request for an exemption. The only concern is proper sewage disposal. They are concerned about their well. They have had previous ownership of adjacent land that have not taken care of the drainage of water and caused a problem therefore they were making sure that Mr. Olson does have proper sewage disposal. They are very supportive of the approval of this application. Mr. Olson mentioned the building he put in is probably 1/4 of a mile from the Herman's and what they are addressing is approximately 65 acres above the Herman's and they get too much water and comes down the roadway pass where his building site is and eventually would leach down into their property.

Mrs. Herman stated they couldn't address that problem to the people that owned the property prior to Mr. Olson. Therefore, again the only problem is the health aspect of a leach field.

Gerald Wing - owner on the upstream property and was here to support the division. It is a logical division and the division it is an asset to the County.

Kit stated the focus seems to be on the lot sizes as the critical issues -- they are not. Public health and safety issues are the focus and there is not enough information to determine. The County road, as far as a definition of a lot and a street, the county road is not defined by the regulations, only a street is, and that serves a public right-of-way which the county road is -- a prescriptive use. Again, this application has not demonstrated to be compliant with our minimum standards in the Zoning Resolution and that is one of the findings that the Board is supposed to make.

Attorney Cadez stated that this does meet the division for exemption by a split of the County Road. Mr. Olson owns this property and it should be included in one of his lots to make the conforming lot.

Regarding the concerns of the staff we are not turning our back on these and asked the Board to give them an opportunity to meet those conditions if and when he determines to build. They are asking an approval with conditions under the Board's discretion today.

Commissioner McCown stated he still has a question on the access to Lot 3 from the County Road. Who owns that County Road there?

Mr. Olson stated that he owns the County Road - the property goes to mile marker no. 1 and at that point he said he owns (you would have to walk it in order to see.)

Commissioner McCown inquired as to where the access enters Lot 3?

Discussion was held as to where the County Road actually is located. Mr. Olson pointed out to the Board on the map he had submitted.

Mr. Olson said he has a Notice from the Assessor's Office to clarify they are paying taxes on the County Road.

Kit verified that Sam Phelps, County Surveyor did verify the prescriptive use for County Road.

Mr. Olson stated that access would be a simple one to clear up and his surveyor could do that.

Commissioner Stowe in regard to his standpoint he wanted to see the building envelopes clarified; the ISDS and the distance from live streams; and also a clarification of how the access areas and how it affects the stream bed or not; if it is across someone else's property we need some sort of a right-of-way permit there -- without these things he didn't think he could do anything but agree with staff.

Kit mentioned that it was undetermined if this was in the floodplain.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continue the Public Meeting for 30 days. July 19th. at 2:00 P.M.

Attorney Cadez agreed to the continuance.

Commissioner Stowe suggested they get with staff on the information needed.

#### ***Special Use Permit Application - Propane Services, Inc.***

Kit asked the Board if they wanted to hear this or should it be referred to the Planning Commission.

The Board agreed that they would hear it.

#### **BUDGET PLANNING 2000**

Ed Green, Dale Hancock, Allen Sartin and Don DeFord were present.

Ed said a schedule was developed and one of the things was to develop some perimeters to the department heads and elected officials. Allen was asked to present an outline.

Allen said he organized these into categories.

Some new funds will need to be set up for the jail. A nonprofit corporation has been set up and will be controlled by the Board. Funds for construction and debt service will need to be set up.

#### ***Home Rule***

Allen indicated that a separate fund needs to be set up for tracking purposes. LaPlata County is attempting to give Allen some idea of the amount of funds. He stated that it wouldn't exceed \$100,000. As we move to the budget process this needs to be addressed.

Ed said the committee will come forth with suggestions on June 18.

Don stated a Mill Levy Fund can be added to cover this but it will require a Tabor Election.

Allen suggested that he could refocus mill levies.

#### ***Mill Levy Collection***

Don explained the process saying it could be done simultaneously with the election of the Charter Commission which would be in November. Then the Charter can be done 280 days after the Charter Commission was selected. You could end up where you elect a Charter Commission but you would not pass a Mill Levy increase. You can because the way Counties are structured with multiple levies supporting various operations, reduce slightly a Mill Levy somewhere else in your process and allocate that for this.

Mildred explained that two questions would need to be asked on the ballot regarding increasing the Mill Levy and selection of a Charter Commission.

Don explained that this process is unlike the Library District. If the statute is not set up to do it simultaneously because when the Statute was written, Tabor was not on the horizon.

Allen clarified that the Statute does not require a Mill Levy to support the Charter Commission; this can be supported from any funds the Board chose.

#### ***Library***

Allen stated that the County should continue to budget the Library as a County fund and expect them to go through our process until the results of the November election are known.

Commissioner McCown wants the Library to be under the County process until they do so on their own.

#### *Revenue Issues - Landfill Rates*

Allen suggested increasing the Landfill Rates effective January 1, 2000 due to not having a fund balance to replace equipment -- this would be a long-term goal. He said he would provide the Commissioners a recommendation by July 1 on the amount he suggested.

Ed clarified that the City of Rifle was told that rates would not be any higher than what had been eaten up in all the declarations which was about \$2000 a month.

#### *Year to Date - Sales Tax*

Allen stated that through March of 1999 revised when he was going to recommend revising it from 7% to 5% for 1999 and basically use the 5% for growth for the year 2000. The 1999 revised - Allen suggested to leave it open; but the historical trends indicate that a 5% for 2000 was okay to leave.

#### *Property Tax - Increase of the 5.5%*

Alan would like to automatically adjust the property tax to include the 5.5% Statutorily allowed increase -- which means the levies are not raised but because values are likely to go up significantly this year, the values of the existing stock will also go up and the 5.5% role allows them to take 5.5% increase of that; you also get new construction as an increase

#### *Capital Expenditure Fund*

Where we actually exceeded the 5.5% limit the Statutory Rule imposes a 5.5% limit on all funds except certain types -- one is the capital expenditure fund like this County's where you can exceed that if you go through a public hearing process as we did last fall. Allen will start that process if the Board so chooses. This has been done for the last 4 years.

Board said they will continue.

Commissioner McCown mentioned they were also looking at the Road and Bridge current facility and land and generating some funds through the sale of that property in Glenwood.

The focus should be changed from the replacement of the Taughenbaugh to a new Road and Bridge Facility at the Airport Property. The staff is looking into and will bring back the feasibility of the two: selling the Silt and Glenwood property; what would they generate in funds; and what would be the cost for a 1200 sq. ft. building and an office building for Taughenbaugh.

Commissioner McCown stated that the Board would compare the two and then make a decision about which one they would build first. He indicated that a Road and Bridge facility would be cheaper than replacing Taughenbaugh due to the nature of the use and the offset of the sale of the property.

#### *Airport Projects*

Allen mentioned it will take 1 -2 years to develop the revenues at the Airport. More subsidize funds will be needed to some degree and if the FAA projects are still in the plans, the County has to match at least 10%. And the second thing important at the Airport is to cash flow the projects by placing enough money in the budget to do the entire costs. The FAA Regulations require that the vendors be paid first and then we submit to the FAA for reimbursement. \$800,000 next year for the taxi way and our share will be \$72,000.

#### *Vehicle Replacement of Autos Not in the Motor Pool*

Allen stated in order to fully accomplish this, it will take 3 - 4 years. He anticipated another \$200,000 to \$300,000 request coming in from the various departments -- mostly the Sheriff's Department. The Sheriff did participate last year and we added 5- 6- this year and he is now being billed. Nothing was started on heavy equipment in the motor pool -- just cars and trucks. Therefore we need to come up with some strategy of replacement of this stock.

#### *Staffing Needs and Structural Changes*

Allen stated the jail staffing is the most significant. He added that any other structural changes needed to be outlined in the budget proposal so they could be accepted or rejected.

#### *Contract Administrator*

Ed said in the past the Board has talked about a Systems Person and the Board has been reluctant to authorize for obvious reasons. Other issues might be to have a person in charge of this -- a public works director.

The Commissioners indicated to utilize the staff as possible and put assignments on others in place.

#### *Payroll Projects*

Allen stated this talks about organizational issues in terms of staff. He proposed to continue the merit plan with the 2% to 5.5% at least as a preliminary basis for the budget. If we have balancing issues this will need to be revisited as well as other items. Phyllis will be providing some information on market surveys in the next few weeks.

Ed said he thinks Phyllis will be recommending a 3 year program as there are possibly more needs than can be dealt with this year.

Commissioner McCown indicated that he felt the 2 - 5.5% may continue to be adequate.

Allen suggested that he could run the system at different rates and give the Commissioners information to evaluate.

Commissioner McCown indicated he thought this would be useful information.

Ed said the 4.5% average is not the problem and is pretty much market; it's in the adjustments.

Allen mentioned that one thing Phyllis was needing to do was some enhancements to the appraisal process itself to make this more reflective of real merit and real performance.

Ed suggested that the spread could be widened to 0 to 8%.

Ed said the problem is not in the 4.5 but it is in the balancing issues.

Personnel - group -- enhancements to the performance evaluations and base this one on performance.

Ed said in other organizations - widen the spread - 0 to 8 %. It makes a very effective appraisal process.

Allen Sartin mentioned with a very effective performance evaluation system would eliminate an average increase to a 7.5%.

#### *Vacant Positions*

Allen stated this is a repetition of what was done last year. Any vacancy position would be set at 25% and health insurance based on the family plan recognizing that hiring would be as close to the minimum range as possible but anyone that hires at 5% above minimum is not automatically over budget.

#### *Health Insurance Rates*

Allen stated there was no change proposed for this next year.

#### *Unemployment Claims*

Allen projected to use the same as last year and to look at only the actuals as part of the revised budget.

#### *Compensation Schedule*

Phyllis will be coming in with a market survey and some remedies as suggestions for the Board to consider.

#### *Retirement*

Allen asked what kind of increase would the Board want to put in this category for the preliminary process.

Ed said Montrose and LaPlata Counties are already at 4% and some other larger counties are at 5%. Ed said short-term disabilities and retirement will help bolster the benefit package.

#### *Other Projects*

\$25,000 to write the Code for our County; define the architecture for the local area network and begin to purchase file servers and associated software to accomplish this task; mentioned were the Intersection of CR 116 and 117; South Canyon Bridge; separated grade crossings for Highway 82 and county roads; electronically imaging the paper in the various offices estimated at \$125,000; local area network system and PC's/servers; Landfill - adjust the rate structure over the next few years to handle the equipment needed but it will not handle the equipment need;

Alan stated the need is to purchase two pieces of equipment -- to do two jobs.

#### *Contribution of City for Site Work - Jail*

City Attorney Teresa Williams suggested to Don that it would be best to have an Intergovernmental Agreement (IGA) to tie down the fees discussed between the two entities.

A motion was made to authorize Don DeFord to start negotiations by Commissioner Stowe and seconded by Commissioner McCown; carried.

Stowe, McCown carried.

#### *Ordinance Vacating Pitkin*

Don mentioned that the vacating ordinance for Pitkin is recorded and it became effective 30 days after the vote was counted on May 11, 1999.

#### *Pitkin Street*

City Attorney Teresa Williams said the northern portion of Pitkin Avenue was not affected; only from the alley south.

Space for parking for the Sheriff will not be available on the public street; Bob Johnson will work toward a solution.

#### *Issues in the Clerk & Recorder's Office*

Mildred Alsdorf made the Commissioners aware of the problems she in encountering within her office to the growth of the County.

#### *Motor Vehicle*

The community is experiencing long lines for obtaining their renewals, license tags, and licenses. Sometimes the customers are lined up against the walls.

Mildred added that she has two individuals currently in training but due to the complexity of the job, it takes a long time to train the clerks. Some of her staff are not getting home until after 6:00 P.M. due to customers still waiting service after the doors close at 5:00 P.M. This is putting a strain on some of the families and several have even threatened to quit if it doesn't improve.

Illnesses and vacations of regular staff are increasing the pressures and stress and therefore she requested to close the counter at 4:30 thereby enabling her clerks to count their money and be prepared to go home at 5:00 P.M. There are about seven baskets full of Chattel Mortgages waiting to be entered into the Motor Vehicle Computers. Another problem is the time for the clerks to return phone calls made by customers. They do some of those between 8:00 A.M. and 8:30 P.M. but many want a phone call returned the same day.

#### *Recording*

Many of the title companies bring in late recording documents thereby affecting these clerks having to enter the documents into the computer and balancing their intake of funds. Closing her doors at 4:30 P.M. would also enable these clerks to leave work on time.

#### *Amending the Resolution*

Mildred mentioned that the Commissioners, if they approved her request, would need to amend the Resolution passed at the end of last year specifying office hours and dates closed.

Mildred reiterated that her income to the County from her office is up by \$360,000 through April of 1999.

This is the significance of the growth in the County. Board Suggestions

Mildred mentioned the turnover in her office is consistent and most say it is due to the low wages paid by the County. There are 5 people in her office with less than 1 to 1/2 years of employment and she had two recent retirees. She referenced that the Commissioners granted her a 1/2 person, but she cannot fill that position -- most want full time employment in order to receive the benefits offered by the County.

#### *Microfiche - Older Equipment - Parts and Supplies*

Mildred mentioned another problem was the supply of dry silver paper needed to duplicate plats. Also that she would has been unable to do fiche on documents due to a lack of parts and supplies for this equipment. She said the equipment was purchased in 1980 and in the past few years she has been able to obtain parts from Mesa County on a machine they no longer use. These repairs have been costly. Currently, it looks as though with the present equipment she will have no way to make copies of plats for customers. Therefore, the solution is to look at new equipment.

#### *Board Input*

Commissioner McCown mentioned his concern by cutting service time to the public; presently they have to take off work in order to meet the 8 - 5 hours. He inquired with additional personnel and one staff member staggered between 9 A.M. to 6 P.M. would this suffice. Shortening the service time will increase the lines.

The Board inquired if by allowing Mildred to increase the 1/2 time person to a full time person, would that solve part of her problem. They also suggested to employ the new person with the understanding that they work 9 A.M. - 6 P.M. and close Motor Vehicle.

Another suggestion was to not accept documents after 4:30 P.M. for recording.

Allen Sartin stated that Mildred would need to put in a supplemental for the budget for a full-time person.

The Board suggested to Mildred that if these solutions do no solve her problem, to come back to them.

They also suggested she update them on the equipment costs to provide the copies of plats to customers.

#### *Adjourn*

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

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**JUNE 24, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The Special meeting of the Board of County Commissioners with the Planning Commission began at 6:00 P.M. on Thursday, June 24, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were Clerk & Recorder Mildred Alsdorf and members of the Planning Commission.

This was a special meeting held to discuss the Comprehensive Plan with the Planning Commission. More public meetings will need to be held.  
Adjourn

Attest:

Chairman of the Board

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**JUNE 28, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 28, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

***Battlement Mesa Fire***

Guy Meyer was present to give the report.

Nine homes were totally destroyed; firefighters are still on hand. An estimate of \$1 million plus in damages; no injuries were reported.

Guy reported that another fire broke out in Dry Hollow.

***Fire Ban***

Guy mentioned that these two fires would not have been prevented with a Fire Ban in place.

The discussion regarding Fire Ban implementation will be placed on the agenda for next week- July 6, 1999.

**ADMINISTRATOR'S UPDATE**

Ed Green submitted to the Board his report and discussed the following:

Request for additional staffing in Community Corrections

Ed Green stated that Guy Meyer submitted to him the documentation for the Commissioner's review of this request showing the increase in revenues and increases in the Useful Public Service and Workenders Programs that justify the full time employee request.

This full time employee being requested is for the Workenders Program and some administrative assistance for Raddi. It will be a field supervisor with the intention of working each one into the office for administrative support.

A motion was made to hire another full time person for the Community Corrections by Commissioner McCown as long as the funding source continues as it is realizing full well that the funding source is tied directly to the case load and as diminishes we may have to take a look at cutting back. Commissioner Stowe seconded the motion; carried.

Dale mentioned the space issue in Community Corrections was getting crowded.

Ed remarked that the entire first floor is crowded. Healthy Beginnings is also needed more space. There is 1500 sq. ft. of extra space in Rifle at the new location and the possibility would be to move some offices.

Silt - New Ambulance

Guy Meyer said that Silt bought a new Ambulance and the inspection has been completed. He requested the Board approve the new license.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the new license for Silt; carried.

Appropriation - Change Request- Budget Amendments

Ed said that we need an appropriation change signed by the Commissioners to deal with some of the authorizations made in the last month or so. These include: professional services for special projects -- Board of Commissioner's Furniture, sound system, Affordable Housing transportation, RFRHA study for JASCom.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chairman to sign the appropriation change request to cover the items previously approved by the Board; carried.

Emergency generator for Jail and Y2K

Reilly Johnson and Ed have discussed this emergency generator for the jail and based on discussions last week the prospects look good for a purchase. Ed explained this could be sized for both the jail and the Courthouse. Use for the Courthouse for Y2K and then the jail later. It will handle the entire Courthouse. There is a generator for the jail at the present.

Ed was directed to have the generator priced out to size for both the Courthouse and the jail.

#### Road and Bridge Project and Maintenance Schedules

Ed submitted the projections for the Road and Bridge Projects for this year.

#### Gravel hauling out of DeBeque

Ed said they have met with representatives from Mesa County regarding the prohibition of further hauling out of the DeBeque Gravel Pit. There was an agreement with the organization that now owns it and that was to move gravel out at the rate of \$2.70 a ton and there had originally been a load limit of 50 ton per day. However, complaints have been registered by citizens of the half-hauling activities and Mesa County opted to prohibit any further hauling out of the pit. The only way it could continue would be to have a public hearing by the Mesa County Commissioners. Based on all of this information, we need to find alternative sources. A compromise does not look very promising.

Chairman Martin added that there was an agreement with Mesa County that whoever hauled would put a paved road of about one mile.

Ed said this was the issue previously raised by the residents.

Commissioner McCown said if Garfield County and Mesa County wanted to jointly go in and pave that one mile road we could haul out of that pit but this would no longer make the price of the gravel a bargain.

#### Road maintenance agreement proposal with Mesa County

An Intergovernmental Agreement has been evaluated by Don, King and Ed. Former agreements have benefited the County with respect to Baxter Pass. With this out of the agreement it favors Mesa County. It would provide that Garfield County does maintenance for the West Divide Road - CR 344 and in additional support up CR 344 on the High Tower Road and CR 342 which goes to Colbran. These roads require a great deal of maintenance. This is not a cost effective alternative for Garfield County to participate.

#### Contract Administrator selection process

Ed said there are two finalists based upon phone interviews. Ed said he hopes to have the position in place by August 1, 1999.

#### Micro Solutions Assessment Project

Administrative staff held a meeting with Micro Solutions Systems and over the next few weeks they will do an extensive inventory of the County's hardware, including preferential of the operating systems in each computer and of the software. In addition they will interview each department head and discuss issues such as security, connect activity requirements, and training requirements. Then they will write a report including recommendations as to the direction the County should go next.

#### UPL demolition contract

Dale recommended awarding the contract.

He said they received three bids: Bogue, Curley Construction and Larry Martin.

Bogue - \$84,500; Curley \$27,350; and Larry Martin \$33,450. The specs require that the work be completed by the 28th of July. The commitment on the part of the contractor is to do the work between the 6th and 20th of July.

Dale recommended Curley Construction be awarded the demolition and removal project.

The Contractor is responsible for the dump fees and also deals with the permitting project.

Commissioner McCown clarified that if material needs to be hauled in it is on the contractor to do so.

Dumping Fees were discussed.

King mentioned there was an environment assessment fee that the County has to pay for dumping materials like this at the Landfill and is concerned that it might be affecting the revenue stream at the landfill if the fees were waived.

Dale said the specs mentioned the contractor is responsible for and there is no mention of dump fees. It is on the contractor.

Dale commented that previously when discussing the demolition with URS, the cost was estimated at \$161,000.

Commissioner McCown clarified that Search and Rescue and other users of the building know they are to clean it out by next Tuesday, July 6.

Dale said they will be notified.

A motion was made by Commissioner Stowe to award the demolition of the UPL building to Curley Construction.

Commissioner McCown seconded. Dale mentioned that this does not require the project to be bonded. Motion carried.

Chairman Martin mentioned the U. S. Forest Service has a space next door to the UPL as well as the parking lot that they do not utilize. Dale was asked to inquire if the County can proceed with leasing some of that space or using it for Search and Rescue as well as Motor Pool.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to amend his motion to include authorize the Chair to sign the notice to proceed and at such time as a contract is prepared; carried.

#### Printing Contract

Dale mentioned the Don DeFord has brought to the attention of administration the necessity for statutory observance of an annual bid for printing services. The cooperation that occurred between Mike McBreen and Don DeFord provided for that to happen and we received one bid on May 19th from Jean's Printing in Rifle. It is not an exclusive contract and specifically is types of paper cited. The majority of paper is suitable for copying.

Don DeFord explained that there is a special statutory provision that requires the County on an annual basis that you go to bid on essentially all office supplies primarily paper and printed type of material. Because the statute says annual, that's what the County is supposed to do.

Commissioner McCown inquired as to the potential of claims if departments did not use the awarded bidder.

Don explained that there are other specialized types of products that are required. It is supposed to avoid each department doing their own shopping for general supplies.

Mildred said that as the Clerk and Recorder she cannot get ballots, ballot envelopes and election materials printed locally. She clarified that this is only for stationary and envelopes.

Don said the new contract administrator can negotiate this.

Commissioner McCown mentioned that he feels we need price comparisons.

Don DeFord suggested to hold off and seek a method for more proposals.

This was tabled until the Contract Administrator is on staff.

#### Miscellaneous Human Service Grants

Ed submitted the following Human Service Grants for signature of the Chair:

Mountain Valley Developmental Services - \$25,000; Colorado West Regional Mental Health Center - \$24,500; Columbine Home Health, Inc. - \$3000; Sopris Therapy Services - \$6,000; Colorado Mountain College Senior and Disabled Transportation Program - The Traveler - \$19,000; Aspen Foundation Outreach \$ 1,000; and Colorado Mountain College Senior Nutrition Project - \$3,500.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the contracts as stated; carried.

#### Stockpiling agreement with Forest Service

Ed mentioned that the Forest Service has opted to add \$95,000 to existing tri-party agreement we have with them and Rio Blanco for the New Castle Buford Road 245 (Hiner Springs Pit) project.. Our portion of the agreement involves application of some of the material and some common projects.

Commissioner McCown made a motion and Commissioner Stowe seconded to authorize the Chair to sign the Forest Service Contract; carried.

#### DMG - Maximus - Cost Allocation Plan for Social Services

Ed presented the agreement for professional consulting.

Dale said we get \$30,000 in the general fund for this activity. The cost of the plan is \$4500. Dale said the question was whether or not to use the short form since it could then be done in-house with the accounting department versus paying the contractor. The realities with the conversation with the KVS System it is a major ongoing struggle with the staff. The money is in Social Services budget to handle this.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the contract with DMG - Maximus; carried.

#### Pre-Annexation agreement and final plat - City of Rifle - Bob Howard

Ed referenced the latest draft of the proposed agreement and there are some minor issues with tap fees however the troubling issues are right-of-way easements.

Don DeFord stated there were two things: a memorandum included in the Commissioner's packet in the Annexation Agreement. The question of accounting for the cost and the number of water taps that Lee Leavenworth has proposed should be included in the agreement. The two issues to be discussed today are the question of the right-of-way easements -- the one given the United States for the WAPA power line that crosses the property. He referenced the Plat of the property recently received from the County Surveyor. This plat shows the power lines portrayed on the property. The power line easement raises the question about what use can be made of the property. Don discussed this with Mr. Leavenworth and a meeting has been set for next Thursday at 10 A.M. with Mr. Leavenworth and Mr. Howard to discuss this as well as other issues.

In the vicinity of the WAPA power line there are two other easements. The language of those easements does not present the same issue as the one to the United States. In the United States easement there is a prohibition on use of that property for public purposes absent permission from the United States. No one has explored with any agency in the government of what this entails. It may not be a major issue at all. This can be time consuming. For a legal prospective Don suggested placing this issue in the hands of property owner and force the property owner to resolve before acquisition. From a practical and political perspective it may be better for the County to approach this issue. Lee's position was that Garfield County will have more leverage with U. S. Government than perhaps a private property owner. The other thing the Commissioners need to decide is the importance on this issue. It appears that the access to the southern part of the property could be very limited without some type of permission from the government. This right-of-way also crosses Hunter Mesa Road. We have a prescription use on that road which probably and almost certainly predates the existence of this easement which is about 20 years old. To use that right-of-way effectively we will be obtaining an easement grant from Bob Howard that would be secondary to the power line easement and you couldn't do any substantial improvement or expansions to that road without permission of the government. More important, the property itself would be limited because you couldn't built a public road or utilities underneath that power line without permission of the government.

Don asked for direction on how the Commissioners wanted him to approach this; how to approach Bob Howard and does this affect where the County is going with this project at all?

Commissioner McCown suggested assisting Mr. Howard in this process and be an active participant since the County is a potential owner to get this problem cleared up with the U. S. Government. This could probably be done better from our end by contacting our State Senators and Congressmen. Campbell and McInnis is who Commissioner McCown said he was referring to.

Ed asked if they should broach the issue with WAPA first?

The Commissioners stated that no.

Commissioner McCown said if we have to get this from the government, WAPA may not have the authority to issue this. He clarified if WAPA has the authority that's fine.

WAPA = Western Area Power Administration out of Golden.

Ed said he would speak to the contact person at WAPA and discuss options.

Commissioner McCown asked about the discrepancy between the water taps and sewer taps. The water taps provided for or the EQR's provided for 72 single family residents and the sewer taps equated to 60.

Ed related this to their existing rate structure.

Don said he didn't know but would check into this.

Community Corrections proposed language

Don said the proposal coming back from Rifle on Community Corrections is that they tried to fix the cost rather than leaving it out for an IGA that Garfield County commit right now that the use would require either a deputy sheriff or payment of a private entity to take care of security through reimbursement or that the County pay the cost of the least expensive police officer for the City of Rifle.

Commissioner McCown said he favored Alternative B as the Sheriff currently has a substation located in Cottonwood Springs.

Don clarified that in terms of drafting the language for a type of a Special Use it is acceptable that either Community Corrections is run by a public entity -- the County or someone else or that we would agree that we would relocate the Sheriff's substation.

Commissioner McCown suggested to agree to the terms stated in Alternative B.

The full Board agreed.

Ed said he would obtain something regarding WAPA this week and have a recommendation to the Board on July 6, 1999.

## **COUNTY ATTORNEY'S UPDATE**

Don DeFord gave his report as follows:

RFRHA - 3 thing: 1) letter of June 23 to BOCC from Chairman John Martin to discuss issues with RFRHA regarding the information on the action of RFRHA. Commissioner Martin went forward on his own as Chair.

Commissioner Martin said this was in line with the position taken in District Court by the Board.

Don asked to ratify the action of the full board in the letter Commissioner Martin sent to RFRHA.

Commissioner McCown moved to ratify the letter dated June 23 to RFRHA. Commissioner Stowe seconded.

Commissioner McCown agree that this was consistent with the position taken by the Board all along. Motion carried.

2) Jim Leuthueser wrote a proposed letter Attorney General Ken Salazar regarding the position of payment in lieu of taxes from GoCo. Jim has spoken to representatives in the Attorney General's office and to move this issue forward at the Board he drafted a letter.

The Board deferred this until the July 6, 1999 meeting in order to review the draft.

and

3) the answer and counter claims Don filed in the pending litigation with RFRHA -- saying if the Board wished to discuss the contents, it should be handled in an Executive Session.

## **EXECUTIVE SESSION: AIRPORT ENGINEERING/PLANNING FIRM SELECTION**

A motion was made to go into an Executive Session by Commissioner Stowe and seconded by Commissioner McCown; carried.

Carolyn Dalghren and Ken Maenpa were present.

A motion was made to come out of Executive Session by Commissioner Stowe and seconded by Commissioner McCown; carried.

Recommendation on Selection

Ken Maenpa encapsulate the process, on April 3rd a Request for Proposal was issued and advertised for Airport Planning and Engineer Services at Garfield County Airport. The deadline for submittal was May 17. The County received five (5) proposals -- four (4) engineering and planning proposals and one (1) engineering proposal.

The selection committee consisting of Bob Szrot, Carolyn Dalghren, Ed Green and Ken reviewed and evaluated the proposals and listed two firms on a pre-selection list -- Knight Piesold and Isbill Associates. Subsequently an invitation for personal interviews for the two firms was conducted on June 24 at the Airport. Each firm was given approximately one hour for presentation, questions, and interview. Based on the final averaged score of all selection committee members, the Isbill & Associates were the recommended consulting planning and engineering firm.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown that Isbill & Associates as the consulting planning and engineering firm for the Airport and authorize the staff to enter into negotiations for contract; carried.

Carolyn Dalghren said once this happens they will bring the AIA Form Contract as necessarily amended back to the Board.

***Airport Runway Meeting - 1:00 P.M. Tuesday.***

***1992 GMA Title - Authorization to Sign***

This was the vehicle in an accident. Mildred submitted the title of the Board to sign.

The Board indicated they wanted to review the safety committee report of this accident.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chairman to sign the title; carried.

***Cost Feasibility 1998-1999 Trucks***

Commissioner McCown mentioned he would like to have the Contract Administrator take a look at the cost feasibility of the 1998-1999 trucks in the Road and Bridge Fleet that currently have dump beds on them converting those to a 5th wheel configuration in the summer versus a 13 yard dump bed and pulling belly dumps with them that would haul upwards to 20 yards. This would be for the same amount of fuel and same driver.

***Fairground Use Agreements***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Fairgrounds for the 4H - Horse Club for June 26; carried.

#### **DISCUSSION: JAIL PROJECT STRUCTURE**

Al Maggard, Bob Johnson, Harvey Whitcomb, Terry Clampet and Deputy Jim Sears were present.

#### **AGREEMENT BOND & SPECIAL COUNCIL GARFIELD COUNTY DETENTION FACILITY**

Don presented a proposed agreement with Blake Jordan of Sherman & Howard LLC. Don pointed out that Blake Jordan and he agreed they would anticipate an amount not to exceed \$12 million so there's some flexibility to go down from that amount; and also anticipates payment of fees on a not to exceed basis range of \$30 - 35,000 as bond counsel and \$23 - 25,000 as special counsel for a maximum amount not to exceed \$60,000 for services pursuant to this agreement. Don asked for authorization for the Chair to sign this agreement with Blake Jordan.

Commissioner Stowe so moved. Commissioner McCown seconded; carried.

#### **STRUCTURE PROCUREMENT**

Bob Johnson with R/J Architecture

Harvey Whitcomb, Bob Johnson and from Reilly Johnson were present and submitted a written summary of the construction for the Project. This consisted on two options:

Option 1 - award a Guaranteed Maximum Price construction contract this Fall, based upon approximately 30% complete Construction Documents, with a construction start between November 1 and December 1.

Option 2 - Issue a 100% Bid Package on January 10, 2000 to pre-qualify General Contractors, and subsequently award a Lump (stipulated) Sum construction contract on February 1, 2000. Award the construction contract to allow mobilization for a construction start of March 1, 2000.

Bob reiterated that some time has been lost on the Project due to the work required to reduce the size and cost of the Project, and due to the lack of a completed boundary and topographic survey. This loss of time has caused R/J to rethink the benefits and risks associated with Option 1.

Bob said they need until October 15, 1999 to issue a GMP package to pre-qualified General Contractors. For GMP purposes, it will require four weeks for preparation, therefore, they would receive the GMP proposal around November 12, a week to review the proposals prior to awarding the contract, then allow two weeks for mobilization, and have a hypothetical construction start date of about December 1, 1999.

Construction could start in December 1, 1999, however Bob said they advise against this saying that it is at least one month too late. The need for winter protection of the work, coupled with the decrease in worker productivity during the cold weather, will add cost so the Project. And, we run the risk that an especially snowy winter will complicate and slow the transportation of pre-cast concrete from Denver or Colorado Springs pre-casters to Glenwood Springs.

Based on GMP, Bob recommended submitted a letter of intent since it takes 6 months to obtain pre-case concrete.

Commissioner McCown mentioned that there is a pre-cast concrete located in Silt.

Bob asked for a name and phone number in order that they may contact the company. He said they would probably have their structural engineer prepare the pre-cast package and then issue it before 5 - 6 pre-casters for pricing. Then they need to lock them up so they will have fabrication time in their yard for our product and giving us a GMP in order to not have a pause between finished foundation and erection of pre-casting. This is the most serious.

Chairman Martin suggested that we should take the recommendation of Reilly Johnson.

Commissioner Stowe made a motion to accept the recommendation of Reilly Johnson's Option No. 2 (as above) and pre-cast arranged ahead of time.

stowe, McCown carried.

#### **PROJECT SCHEDULE**

Harvey Whitcomb explained the time line and submitted handouts that detailed each hard bid procurement method.

#### ***Generator***

Terry Clampet gave information on the generator and went over the engineering specifics. He will do a comparison of the sizes of the generator for the Courthouse and the Jail.

From the study the cost of a generator to run both the buildings and the scenario for a generator run separately.

Generator inside a building? Terry said this could afford more security than a normal weather proof enclosure. If security is a concern, a constructed building would be the best.

Terry spoke for the rental versus the purchase of a generator. He estimated the study and everything needed to get this generator up and running would cost approximately \$11,500.

A motion was made by Commissioner Stowe to proceed with the engineering study for the back up generator and recommendation of the size however, the cost not to exceed \$10,700. Commissioner McCown seconded. Motion carried.

#### ***Dates Set for Presentations***

July 6 - Preliminary Briefing of the Generator

July 12 - Final Plan

The Commissioners asked for Terry to present their options clearly.

#### **BUILDING & PLANNING ISSUES:**

##### ***Resolution - Great Outdoors Colorado***

Mark Bean presented for signature of the Chair a Resolution concerning support of a Great Outdoors Colorado Grant application for the Conservation Based Planning for Garfield Creek.

A motion was made by Commissioner and seconded by Commissioner to authorize the Chair to sign the Resolution as presented; carried.

#### **PUBLIC HEARINGS:**

##### **A. REQUEST FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT ZONE TEXT AMENDMENT. LOCATED ASPEN GLEN PLANNED UNIT DEVELOPMENT, GOLF CLUBHOUSE AND CLUB VILLA ZONE DISTRICTS. APPLICANT: ASPEN GLEN GOLF COMPANY.**

Don DeFord, John Barbee, and Larry Green were present.

Don determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John Barbee submitted the following exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Resolution of 1978; Exhibit D - Garfield County Comprehensive Plan of 1984; Exhibit E - Garfield County Subdivision Regulations of 1984; and Exhibit F - Staff report and attachments.

Chairman Martin entered Exhibits A - F into the record.

This is a Planned Unit Development Zone District Text Amendment to the Aspen Glen PUD Plan made by Aspen Glen Golf Company. The applicant proposes to amend the PUD by 1) amend the existing gold clubhouse zone district to a maximum of ten (10) single family attached residential units intended for condominium or town home ownership; change the development standards in lot size per condominium structure, maximum building height, lot width, lot depth, separation between buildings, set back from street or driveway, floor area ratio and minimum off-street parking; and 2) change the development standards for single family detached uses within the existing Club Villa Residential Zone District to reduce the minimum lot depth from 120 to 100 feet. These are fully described within the staff report.

Don Paris, General Manager and Ian Haus Project Manager were present.

Larry oriented the Board as to what they were doing and addressed in this application. They are under the allowed 632 units with these changes.

A motion was made to close the Public Hearing by Commissioner Stowe and seconded by Commissioner McCown; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Planned Unit Development Zone District Text Amendments to the Aspen Glen PUD Plans submitted; carried.

##### **B. REQUEST FOR APPROVAL OF A PRELIMINARY PLAN TO ALLOW 25 SINGLE-FAMILY DWELLINGS ON 9.439 ACRES. LOCATED: ASPEN GLEN PLANNED UNIT DEVELOPMENT - SOUTH OF BALD EAGLE WAY AND EAST GOLDEN BEAR DRIVE ON THE WEST SIDE OF THE ROARING FORK RIVER. APPLICANT: ASPEN GLEN GOLF COMPANY.**

John Barbee, Don DeFord, Don Paris, Ian Haus and Larry Green were present.

Don determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John Barbee submitted the following exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Resolution of 1978; Exhibit D - Garfield County Comprehensive Plan of 1994; Exhibit E - Garfield County Subdivision Regulations of 1984; and Exhibit F - Staff report and attachments.

Chairman Martin entered Exhibits A - F into the record.

This is a request for Preliminary Plan Review on a 9.439 acre tract of land located five (5) miles south of Glenwood Springs, off of Hwy. 82. The applicant proposed to create 25 single family lots on the 9.439 acre parcel.

Larry Green said this is the Preliminary Plan consistent with the PUD just approved. There is nothing to add -- all is listed in the staff report.

Chairman Martin inquired about the railroad crossings.

Don stated that there is a existing requirement for Aspen Glen with each final plat they obtain consideration of the type of access and controlled intersection with C-DOT. This will need to be as these come in for final platting. In terms of the railroad there is an existing easement already granted from the railroad.

Larry stated there was nothing of concern on the railroad.

### ***Recommendation***

The Planning Commission recommends APPROVAL with the following condition:

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

That the applicant shall have 120 days to present a Final Plat to the Commissioners for review from the date of approval of the Preliminary Plan.

The applicant shall meet all recommendations as indicated in the reports of the Colorado Geological Survey.

That the standard plat notes as indicated in the final approval of the Aspen Glen Planned Unit Development be indicated on the Final Plat.

That the applicant provide a recent letter of comment from the Carbondale and Rural Fire Protection District.

The Planning Commission recommended APPROVAL of the proposed PUD zone district text amendment.

Don DeFord inquired as to the bike path on CR 109.

Larry Green stated the design drawings are schematic now and the intentions of Aspen Glen to have it completed by construction season this year.

Ian Haus said everything on the utility easements have been identified and they are outside of these.

A motion was made to close the Public Hearing by Commissioner Stowe and seconded by Commissioner McCown; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Preliminary Plan Review for the Aspen Glen Golf to allow a portion of the PUD currently zoned as the Club Villa Residential to create 25 single family dwellings on the 9.439 acres following the recommendations of staff 1 - 5; carried.

### **REQUEST FOR APPROVAL OF A PRELIMINARY PLAN TO ALLOW FIVE (5) DUPLEX UNITS ON 7.717 ACRES. LOCATED: ASPEN GLEN PLANNED UNIT DEVELOPMENT - NORTH OF BALD EAGLE WAY ON THE WEST SIDE OF THE ROARING FORK RIVER. APPLICANT: ASPEN GLEN GOLF COMPANY**

John Barbee, Don DeFord and Larry Green were present.

Don determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John Barbee submitted the following exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Resolution of 1978; Exhibit D - Garfield County Comprehensive Plan of 1984; Exhibit E - Garfield County Subdivision Regulations of 1984; and Exhibit F - Staff report and attachments.

Chairman Martin entered Exhibits A - F into the record.

This is a Preliminary Plan Review on a 1.717 acre tract of land located five (5) miles south of Glenwood Springs, off of Hwy. 82. The applicant is requested to allow a portion of the PUD currently zoned as the



Golf Course Parcel to create five condominium lots. This action also requires a zone map amendment which has been simultaneously submitted.

John reviewed the review agency and other comments, the major issues and concerns, recommended findings, and recommendations as follows:

***Recommendation:***

The Planning Commission recommends APPROVAL with 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.

That the applicant shall have 120 days to present a Final Plat to the Commissioners for review from the date of approval of the Preliminary Plan.

The applicant shall meet all recommendations as indicated in the reports of the Colorado Geological Survey.

That the standard plat notes as indicated in the final approval of the Aspen Glen Planned Unit Development be indicated on the Final Plat.

That the applicant provide a recent letter of comment from the Carbondale and Rural Fire Protection District.

Larry stated the packet contains the information and this is in the northeast quadrant of the plat.

Ian stated the fire district reviewed and the final plat drawings will reflect this.

Commissioner McCown asked if these will be individually owned condominiums.

Larry said yes.

A motion was made to close the Public Hearing by Commissioner McCown and seconded by Commissioner Stowe; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Preliminary Plan Review for the Aspen Glen Golf Company to allow a portion of the PUD currently zoned as the Golf Course Parcel to create five condominium lots and a zone map amendment with the recommendations of staff; carried

**REQUEST FOR APPROVAL OF PROPOSED PLANNED UNIT DEVELOPMENT TEXT AND PLAN AMENDMENTS TO THE SUN MESA PLANNED UNIT DEVELOPMENT. LOCATED: APPROXIMATELY ONE (1) MILE NORTH TO THE SUN MESA PLANNED UNIT DEVELOPMENT. LOCATED: APPROXIMATELY ONE MILE NORTH OF CATHERINE'S STORE OFF OF COUNTY ROAD 162. APPLICANT: ESTATE OF JOHN STIRLING**

Mark Bean, Don DeFord, Rebecca Stirling and Attorney for the applicant Sherry Caloia were present.

Don determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark Bean submitted the following exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Resolution of 1978; Exhibit D - Garfield County Comprehensive Plan of 1984; Exhibit E - Garfield County Subdivision Regulations of 1984; and Exhibit F - Staff report and attachments.

Chairman Martin entered Exhibits A - F into the record.

This is a request for a Planned Unit Development (PUD) Zone District Text Amendment to the Sun Mesa PUD Plan. The applicant proposes to amend the PUD Zone District Text to allow for guest houses and accessory dwellings as uses allowed in the Sun Mesa PUD and allow residential use in the commercial zone. Additionally, it is proposed to amend the PUD plan to change the multifamily designation on Lots 19 and 20 to residential, and to reduce the number of lodge units Lots 23 from 29 to 11.

Mark reviewed the project information, major issues and concerns, recommended findings, and recommendations. He mentioned that the staff suggested that the applicants should be applying for ADU's as a use with the PUD. This was based upon water rights and would limit the approval to a minimum of eleven (11).

Mark noted condition No. 3.

***Recommendation***

The Planning Commission recommended APPROVAL of the proposed PUD Plan and Zone District text amendments, with the following modifications:

That the Sun Mesa zone district text be modified to read as follows:

- B. Residential/Single Family
- C. Residential/Multi-Family -- Delete the entire section
- E. Commercial/Recreational:

handball, racquetball courts, and other similar recreational facilities, single family residential.

F. Performance Standards: ADD THE FOLLOWING LANGUAGE

2. Accessory Dwelling:

(1) The minimum lot size shall be four (4) acres containing a building site with slopes less than 40% at least two (2) acres in size.

(2) The gross floor area for residential use occupancy shall not

(3) Compliance with the County individual sewage disposal

(4) Only leasehold interests in the dwelling units is allowed.

(5) That all construction complies with the appropriate

An amended PUD Plan map be submitted, showing only the new zone districts, without the Residential/Multi-Family district. Additionally, the lots allowed to have accessory dwellings will be designated on the Plan map.

That the applicant voluntarily comply with the following standards and include them in the development covenants:

(A) No open hearth solid-fuel burning fireplaces will be allowed anywhere this subdivision. All dwelling units will be allowed unrestricted number of natural gas-burning fireplaces or appliances. (B) All dwelling units will be allowed no more than one new wood-burning stove as defined by C. R. S. 25-7-401, et. seq. and the regulations promulgated thereunder. (C) Only one dog is allowed for each dwelling unit.

(D) All exterior lighting shall be oriented downward and inward, to prevent glare on adjoining property.

(E) The control and management of noxious weeds is the responsibility of the property owners in the PUD.

Sherry stated the current water decree would allow the (11) eleven and they are asking the water court for five more. Once water court approval they will identify the lots eligible for an ADU. They want the alternative for lot 23 to be residential and if they have this with the ADU that would be fine.

Sherry stated they cannot agree to (A) and (C) of the conditions under No. 3.

Sherry noted they are working with Dee Blue and the water court on the water decree and feel they have worked this out.

Commissioner McCown mentioned these were requirements of the Board.

Dee Blue said the opposition and relocation of the wells were originally closer to their wells, but the latest information they received from their attorney has indicated that these have been moved.

A motion was made to close the Public Hearing by Commissioner McCown and seconded by Commissioner Stowe; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve as recommended in the staff packets and in the findings; carried.

**REQUEST FOR APPROVAL FOR A ZONE MAP AMENDMENT FROM A/I, AGRICULTURAL-INDUSTRIAL TO C/G, COMMERCIAL-GENERAL. LOCATED: 32597 HIGHWAY 6, ONE AND ONE-HALF (1 1/2 ) MILES EAST OF RIFLE ON HIGHWAY 6. APPLICANT: ROBERT KLEIN**

John Barbee, Don DeFord, Jack Pretti, Robert Klein and Attorney Robert Chaffin for the applicant; and John Schenk for Cottonwood Park were present.

Don determined that publication was published and advised the Commissioners they would have to determine if this was acceptable.

Commissioners McCown and Stowe stated they were comfortable with the proof.

Chairman Martin requested the proof of actual publication be submitted.

Chairman Martin swore in the speakers.

John Barbee submitted the following exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Resolution of 1978; Exhibit D - Garfield County Comprehensive Plan of 1984; Exhibit E - Garfield County Subdivision Regulations of 1984; and Exhibit F - Staff report and attachments.

Chairman Martin entered Exhibits A - F into the record.

This is a zone map amendment on 52.45 acres located in Rifle at 32597 Hwy. 6. This would allow for commercial operations beyond agricultural related business and would only affect approximately 32 acres of the 52.45 acres mentioned in the proposal.

John reviewed the description of the proposal, major issues and concerns, compliance with the Comprehensive Plan, rezoning requirements, compatibility with adjacent uses, suggested findings and the following recommendation.

### ***Recommendation***

The Planning Commission recommends APPROVAL.

Chairman Martin inquired about the Airport Navigational requirements.

John Barbee said the building restriction was 35 feet.

Bob Klein handed out a preliminary brochure of the project he proposed.

Exhibit G - Copy of the submittal by Mr. Klein of the power line.

Chairman Martin admitted Exhibit G into the record.

Mr. Klein mentioned what they wanted to do was to construct a facility that would be a destination for other businesses to come into. They were going to have restrictions on signage; landscaping and monumentalize of the entrance; initially they wanted to build an incubator type building that will allow small businesses to come into the site and grow. Later they may need increased space to develop further. They will architectural standards and design standards; building and property owners will be required to share in the responsibility of maintaining the spirit of the environment adhering to the number of design standards. There will be building guidelines and building materials will need to be approved. He also submitted information relevant to this area and a picture of the first building planned and some demographic information on the City of Rifle; transportation in Garfield County. Within the next 10 years they hope to have homes for 500 employees of different businesses. Potentially over this 10 year period it could develop in over \$70 million in income. Casey Concrete and Spanglers as well as a crushing plant are south of the proposed project; a mobile home park and several other businesses are east of them. North and west is the Gold Meadow factory. There is also a pre-cast septic tank components concrete plant nearby. Bill Wimmer supports the project and Otis and Jenell Burroughs who occupy a 2 acre site adjacent to the applicant.

A letter from the Burroughs were submitted as Exhibit G.

Jack Pretti stated that City Council will show their verbal support to the project.

Chairman Martin submitted Exhibit G into the record.

Mr. Klein said that land and an area for training for the Fire District will be donated.

Don asked if all property was noticed.

Mr. Klein stated it was. The letter from the Burrough's was their own request.

John Schenk - counsel for the Cottonwood Mobile Home Park LOC said they have concerns about what will be the uses in this area. They have met with Mr. Klein and Attorney Chaffin and efforts have been made to work out some problems. Mr. Schenk feels a PUD is more appropriate for this instead of piece by piece changing the zoning.

The waste water services are for proprietary use by the Cottonwood Mobile Home Park and they are not a service provider for others for water or waste water treatment. A point of fact is that commercial generates a different level of waste and different levels of concern. He asked that the record be clear that they are not attempting to be difficult. Other concerns are CR 210 and what additional development does traffic wise. Cooperation with road and bridge has been made but concern of the carrying capacity and what it would do to this road is the issue. The slope on the land is steep and some utility lines go through there. A multi-drive off of CR 210 is a concern. They are also concerns with the welfare of their folks; focus and intention has been devoted to increase the livability and appropriateness of the mobile home park. The owners of the park have done a number of things over and above what is required -- one is paving the park roads. A lot of buffer has been created and he told Mr. Klein and Mr. Chaffin that they are not against appropriate development. If Mr. Klein's ideas are completed it will help the home owners. The uses that they see there are relatively intense and would require a lot of bodies. The brochure shown is typically a PUD development and he stated again that he thinks this works better than a zoning change.

Mr. Schenk requested consideration for the folks that are already are there and asked for a PUD consideration.

John Barbee stated that given the site constraints we have a signed code that precludes certain types of development and state requirements on waste water. He said the staff agrees that Cottonwood Springs is not a service provider.

Commissioner McCown clarified the parcel zoning as it is currently.

Mr. Pretti asked for an equalization of zoning and said he would be coming in for other phases.

Commissioner McCown mentioned that CR 210 was upgraded last year; the other portion is to be upgraded this year. Therefore he would recommend Hwy. 6 & 24 as the entry point.

Mr. Klein mentioned there are lands on both sides of CR 210 but the western side of CR 210 is steep and from this point of view there would be no impact on CR 210. The present zoning does provide for commercial development. They do not have any intention to put anything detrimental on this property.

A motion was made to close the Public Hearing by Commissioner McCown and seconded by Commissioner Stowe; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to change the zoning from A/I to C/G as identified in the project with all recommendations.

Chairman Martin commented that he hopes the applicant will work closely with the neighbors and assured the applicant that this development will be under the close scrutiny of this Board.

Vote on the Motion:

McCown - aye; Stowe - nay; Martin - nay.

**REQUEST FOR APPROVAL OF A ZONE DISTRICT MAP AMENDMENT. UNDESIGNATED, VACANT LAND TO BE ZONED A/I, AGRICULTURAL-INDUSTRIAL. LOCATED: NORTH OF GLENWOOD SPRINGS, LOTS 5 & 7, ZONED A/I, SECTION 4, TOWNSHIP 6 SOUTH, RANGE 89 WEST OF THE SIXTH (6TH) PM. APPLICANT: CHIMES INVESTMENT CLUB**

Kit Lyons, Don DeFord and Joseph Claudon were present.

Don determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit submitted the following exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Resolution of 1978; Exhibit D - Garfield County Comprehensive Plan of 1984 - Study area I; and Exhibit E - Staff report and attachments.

Chairman Martin entered Exhibits A - E into the record

This is a zone district map amendment in a 48 +/- acres of vacant land that is currently non-designated zoning.

Kit reviewed the project information noting the major issues and concerns, suggested findings and recommendation as follows:

***Recommendation***

The Planning Commission recommended APPROVAL with the following condition 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.

The purpose of getting this back into the County is to have services that were not being provided by the City.

A motion was made to close the Public Hearing by Commissioner Stowe and seconded by Commissioner McCown; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for a zone district map amendment as described in the project information following the recommendation of staff; carried.

**CONSENT AGENDA**

Discussion on the Consent Agenda Items.

Commissioner McCown mentioned he was not aware of the Right-Of-Way Mowing Contract item k. He was aware of the Mamm Creek Bridge GAR 346 and the South Canyon Bridge because of the bridge grant expirations.

Mildred submitted copies of the Mowing Contract.

Don mentioned the three contracts presented to the Board for ratification are public works contracts and the Board should not be doing public works of any kind by ratification. There are a number of things that have

to be completed and done appropriately to make them legal and binding agreements. In this case there was a need for state grants funds and a change in the Board's meeting times. On the Mowing Contract Don did not feel there was a big rush on that. In terms of the Mamm Creek, one of the bidders protested the process that was followed by the County - Ray Schmall - although he has indicated to Don that he is not going to pursue anything on it but he objected to the late arrival of the 2nd high bidder and the lack of responsive documents from the proposed low bidder. Because of the lack of a public award had he really going to pursue anything he wouldn't have had an opportunity to present his issues to the Board. On the South Canyon project there is no issue on who receives the award. In any case Don reiterated that one of the most significant things the Board does as a public entity is award contracts for public construction and commitment of public funds. The process needs to be tightened up. Don mentioned that the time period has been known for some time on these issues and planning needs to be ensured so that they come to the Board in a timely manner.

Commissioner McCown asked where the line of responsibility failed.

Don stated this came from Road and Bridge directly. It helps when Don knows that contracts are coming to him for review. It is a communication issue but with a contract administrator this should improve.

Ed said one part of the contract administrator will be procurement so that all know what is coming forth. Don said that Mamm Creek is a good example of how someone needs to be informed and involved in the process of contracts.

Don said once the contract administrator is on board, then a simplification process should be identified. A contract consists of many documents and several copies are required and his staff needs to prepare this packet of documents that the Board needs. Don says the times included in a contract package consist of: Notice of Award; Notice to Proceed; Bid - complete response from the contractor to know which item they are bidding upon (many times a response to bid will be many pages and detailed); qualification statement; bid bond attachment; agreement - short form - 4 pages; general conditions - more lengthy and in this case they are 44 pages long but it is the standard AIA contract (this is what the industry has said is necessary to bind both parties to a full construction project); Don's amendments to that and tailor it to a government project = 9 pages; change order and performance bonds. The contractor is to submit three (3) copies. Don said when the County hires in someone with contract administration ability they may have a better idea on how to go through this process.

Ed said the possibility of developing contract formats for every scenario that are actually County related and then the documents passed from the contractor back to us are just the once requiring signatures and you incorporate by reference that standard set of County documents.

Don mentioned that more than 10 years ago this was done but there were a lot of protests from contractors on it because they were not familiar with the County language and did not want to read or have the attorney's read those documents. That's why we use AIA forms. These documents are complete and only require a sign off by the bidder. Don makes some amendments to tailor it to the bid but the amendments refer back to the standard AIA contract.

Items E and K were removed from the consent agenda and placed for discussion.

A. APPROVE BILLS

B. APPROVE LIQUOR LICENSE: ASPEN GLEN GOLF CLUB

C. APPROVE EXTENSION OF DEADLINE DATES FOR PERMIT APPROVALS AS DETAILED IN RESOLUTION #99-055: AMERICAN SODA

John Barbee presented a letter from American Soda, L.L.P. that outlined the request.

Due to continued project review and additional issues raised during the permitting process for the project, American Soda is requesting an extension of the submittal deadlines for the permits and approvals of 1) Endangered Species Action (Section 7) Compliance to be issued by the U. S. Fish and Wildlife Service; 2) Cultural Resources Compliance, U. S. Department of the Interior; 3) Section 112 Reclamation Permit, Colorado Department of Natural Resources, Division of Minerals and Geology; and 4) Railroad/Highway Crossing authorization, Colorado Public Utilities Commission. The request is for an extension until August 15, 1999.

D. This was removed from the Agenda

E. RATIFY: MAMM CREEK BRIDGE GAR 346

Discussion was held.

F. RATIFY: SOUTH CANYON BRIDGE REHABILITATION GAR 134-04.90

G. APPROVE AMENDED FINAL PLAT: RYDEN SUBDIVISION EXEMPTION

H. APPROVE RESOLUTION FOR CASEY CONCRETE COMPANY

A resolution concerning the termination of Casey Concrete Company's ongoing maintenance obligation of CR 103, as stated in an agreement entered into by Casey as a part of Resolution No. 93-020.

I. SIGN RESOLUTION VACATING PORTION OF CR 109 AND ACCEPTANCE OF NEW

J. APPROVE MEMORANDUM OF UNDERSTANDING: CR 109 IMPROVEMENTS

Mark stated that he had received a memorandum from Larry Green outlining the understandings on the Coryell Property. The Resolution concerned with vacating a portion of Public Road Right-Of-Way otherwise known as a portion of County Road 109 and acceptance of new public road right-of-way from Coryell Ranch Company, L.L.C.

K. RATIFY: RIGHT-OF-WAY MOVING CONTRACT

Discussion was held.

L. SIGN: CHIP COAT/CHIP SEAL CONTRACT

A motion was made by Commissioner McCown to approve the consent agenda including the a) bills; b) Liquor License for Aspen Glen Golf Club; c) Extension of Deadline Dates for Permit approvals in Resolution 99-055 for American Soda; and f) South Canyon Bridge Rehabilitation GAR 134-04.90; g) Amended Final Plat Ryden Subdivision Exemption; h) approve Resolution for Casey Concrete; i) sign Resolution vacating a portion of CR 109 and acceptance of a new public road; j) approve memorandum of understanding: CR 109 Improvements - The Coryell Property; and l) sign Chip Coat/Chip Seal Contract. Commissioner Stowe seconded; motion carried.

Item e - MAMM CREEK BRIDGE GAR 346

The following three (3) bids were received: Basalt Construction \$146,450.50 and Gould Construction \$181,315.00. King's recommendation is to accept low bid from Basalt Construction.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve and authorize the Chair to sign the Mamm Creek Bridge GAR 346 with the award to Basalt Construction of \$146,450.50; carried.

Item k - RIGHT-OF-WAY MOWING CONTRACT - \$10,000

A motion was made by Commissioner and seconded by Commissioner to approve the right-of-way mowing contract for over 100 miles of work to Summer Grooming, Inc.

Ed was directed to clarify the authorization to begin performance and the need for this extra mower.

Chairman Martin clarified that the delay of the 3rd meeting in June created a problem of contract deadlines. This is to cover 100 miles of County Road.

Commissioner McCown was reluctant to move forward, however, the contract was authorized and the work was being performed.

Commissioner McCown moved to table Item K until the next meeting and Ed to bring back explanations and include that if services have begun, the County will pay for those services due to the signed contract. Commissioner Stowe seconded; motion carried.

## **FEE IN LIEU APPLICATION FOR GOCO PLANNING GRANT FOR GARFIELD CREEK CONSERVATION PROJECT**

Document submitted.

Present were: Sumner Schacter, Shannon Penland, Fred Wall, Robin Gardner and Tracy Houpt.

Sumner mentioned that today that are asking the Commissioners to reconsider moving forward with a change in the County's policy and adopt a fee in lieu. A proposed schedule was presented. An increase and some of the rationale to coordinate better with adjoining counties was the subject for discussion.

A fee schedule and formula adopted by the district was presented to the Commissioners with a request for support of it. It would say that for each single-family home the developer wants to build, he would have to give up .02 acres, or cash in lieu. According to their formula, a piece of land with a market value of \$50,000 per acre with a single unit on it would be charged at a rate of  $\$50,000 \times .02 \times 1 = \$1,000$  instead of the \$200 now being charged by Garfield County.

Sumner Schacter stated that they are dealing with 6 different governments. Sumner stated the rates and the effects of this are to be able to set aside land for future buildings. The door is closing in this end of the County for land purchase.

Developments do impact schools and the need is there to have developers help with land purchases. Bond elections tend to produce less money.

The fees in lieu have not increased at the same rate as the property values. They are asking that the playing be field be leveled.

Bruce Matherly, president of the school board, sent a letter to the Commissioners stating that a form of land dedication or payment of fees in lieu of land is followed by all but one of the three cities and portions of three counties that the school district serves. Only Basalt is in the process of adopting the school district's schedule. All others follow outdated systems.

Don stated there is a special statute on school collection fees and if the County's regulations meet that statute, they will meeting Senate Bill 218. You can have been regulations that have specificity required by Senate Bill 218 and meet statutory provisions as well. As long as the fee is tied specifically directly to site acquisition and to the impact generated by this specific development then the proportionality test has been met and this is the direction the Board needs to go.

Commissioner McCown mentioned this cry from the school board will create an additional hardship on affordable housing. Any cost the developer has will be passed on to the consumer.

The question is summarized by Sumner in levels. He said it is not a problem that lies with the School Board -- they are just a conduit. The way the Legislation was passed, the School Board cannot collect the fees. This is an opportunity for the respective governmental bodies whether they adopt the rationale nexus presented or not. It becomes a question of both philosophy and economics to the various bodies. 1) to try to preserve and attain future school sites in their jurisdiction for those kids not in school now but the ones coming down -- does the governmental entity want to do this or no? 2) the next question is how? We know how but we do not know how much and this may vary. Five (5) different formulas are still better than none or a uniform one that makes it easier.

Chairman Martin said that the board needs to decide how much to collect from the developers.

Mark Bean said the rationale nexus has established the guidelines and the subdivision regulations need to be amended.

The Commissioners agreed to research the question proposed and further discuss it at the meeting on July 12; also to have a school board joint meeting on July 14 where additional discussion would then be held.

Robin asked the Board to assist them in moving forward in a timely manner.

The Board was in agreement to work jointly with the school board.

Special Meeting with the School Board will be held on July 14 at the School Board at 5:00 P.M. in the Administration Building

## **APPLICATION FOR GOCO PLANNING GRANT FOR GARFIELD CREEK CONSERVATION PROJECT**

Reed Howie was present. 5-6320

A draft resolution was submitted concerning support of Great Outdoors Colorado Grant application for the conservation based planning for Garfield Creek.

Commissioner Stowe recommended support of this and moved that the Chair be authorized to sign the Resolution concerning support of Great Outdoors Colorado Grant application. Commissioner McCown seconded; carried.

## **PUBLIC HEARING: ABATEMENT: BANK OF CHERRY CREEK TRUSTEE RE-1 SCHOOL DISTRICT**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the abatement for the Bank of Cherry Creek Trustee RE-1 School District; carried.

## **BOARD OF HEALTH**

A motion was made to go into the Board of Health by Commissioner McCown and seconded by Commissioner Stowe; carried.

Mary Meisner and Lisa Pavlisick were present and the following times were submitted for discussion:

## **CONTRACTS REVIEW & SIGNATURES**

*MCH Block Grant, Colorado Department of Health*

Mary Meisner explained that this is a 5.53% increase - \$66,506.15. \$12,892.81 federal; state \$52,113.34 state; and will screen 1500.

#### ***WIC Change Order Letter to WIC Budget***

Mary stated the audit was completed and a recommendation was made and a suggestion to use the change order funds of \$4002.00 to obtain someone to translate bilingual.

#### ***Memorandum of Agreement with Bent County***

This is an agreement by and between Bent County Nursing Service and Garfield County Public Health Nursing Services for \$216.70 for fees associated for attendance at the State Senior Wellness Conference to be held at the Hotel Colorado.

#### **UPDATES**

##### ***Prevention Grant***

A copy of the regional prevention grant that will be submitted by the Northwest Public Health asking for an extension for the block grant from last year. In the second year they are asking to develop a data system that tailored to meet the needs of smaller counties where most medical services are not always a level 3 ER available. Mary said as they were going through this it was determined that no one was collecting data in the same way. That is what the grant proposes and it will bring in the ICD 9 codes that emergency services use in hospital admission so that they can pull all that data for this area together and have some usable data.

##### ***Community Health Center***

They do have office space provided by the hospital where Claudia Nelson formerly had her office. They have all the equipment they need and they are working at getting staff on board. Now they are waiting on the federal grant as this is their initial startup money. The new date for receiving these funds is now September.

##### ***Dental Health Program***

The dental van will be here in September. A part-time position will be hired. Rifle Northwest office will be donated. Lift-up is the physical agent coordinating the dental van.

##### ***Healthy Beginnings***

Lisa handed out a new brochure that targets funders or service providers. A new brochure for participants is being developed.

The program is at full staff on July 1st.

Lisa reported there are 93 prenatal patients and 14 postpartum.

They have a new grant of \$1000 access grant from Colorado Rural Health to purchase bus passes for their participants and there is a renewal from Aspen Valley Community Foundation Spring Board for the car seat incentives program.

##### ***Environmental Health Officer***

Mary Meisner stated on June 24, 1999 Mary Brown with the Department of Health and Environment and she visited with the County regarding the Health Officer. Allen, Mark, Don and Mary were in attendance. This position used to be called "Sanitarian" and changed the contracts as well. This person would do restaurant inspections and look into environmental concerns such as inspections of a home connected with social services.

Mary said there is more opportunity for reimbursement than in the past.

Mark said what was an issue is whether the County wants to assume some of the State Health's responsibilities. They will expect this individual to do the twice a year inspections of restaurant and additional services.

Allen Sartin's best guess could be that the County would cover 50% to 60% of the position -- the state fees given to the county and the fees collected by the restaurants would cover the other. This would cover an area from Trappers Lake to Garfield County consisting of license fees (200 x \$15.00).

The Board would like to have more information on this position.

A motion was made to come out of the Board of Health by Commissioner McCown and seconded by Commissioner Stowe; carried.

##### ***Motion as Board of County Commissioners on the Public Health Contracts***



A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the MCH Block Grant with the Department of Health; the Memorandum of Agreement with Bent County; and the WIC Change order letter to the WIC Budget; carried.

## **HUMAN SERVICES COMMISSION**

Lisa Pavlisick and Deb Stewart were present for the update on *Aging Services*.

Lynn Russell - Executive Director of the Aspen Valley Community Foundation provided an overview.

Lynn said in 1998 they made almost \$400,000 in grants specifically to non-organizations that are headquartered in Garfield County. If you also count the grants they made to organizations that are located somewhere else in the valley but that serve Garfield County the number would be a lot higher.

Most of the work in Garfield County focuses on human services. Lynn named the following:

Cooper Corner - the valley's first adult day care. When the project was just a gleam in the eye, Aspen Valley Community Foundation made a 2-year start up funds to Cooper Corner.

Another special grant was to Defiance Thrift Store. The Thrift store was an entrepreneurial project of Family Visitors and Lift-Up to help generate earned income for their important programs. They made a 2 year start up grant for the manager's salary for that organization. It has succeeded beyond anyone's wildest expectation. In it's first year of operation it was able to contribute \$30,000 to each program - Family Visitors and Lift-Up.

In other 1998 grants in Garfield County they supported Asistencia Para Latinos, Advocate Safehouse Project, Healthy Beginnings, Literacy Outreach and Garfield Youth Services. Her own personal favorite was an unsolicited Christmas time emergency grant to bring the Rifle Dog Pound Facility into compliance. The Aspen Community Foundation is more that just respond to grant requests. They just cosponsored with CMC Foundation and the Garfield County Human Service Counsel Western Colorado Philanthropy Days -- that event brought 300 nonprofit participants from all over the State to Glenwood Springs. Grant seekers from this region met with Front Range Funders that represented government, business and foundations. Aspen Community Foundation hosted a dinner one night at the Hotel Colorado for over 200 of the participants. They also put together what they called the Community Showcase consisting of a tour that was organized for the funders of nonprofit projects in Rifle, Carbondale and Glenwood Springs. The idea was to introduce the funders to this area first hand so they could understand it's assets and also where they might be helpful to us.

The best work they do is bringing management assistance to non-profits to help them operate in a more business like and efficient manner. There is an executive service core that trains business and professional volunteers and connects them on consulting projects with non-profits that need their specific skills.

Some of the executive service core members are helping with Mountain Valley Development - Weaving Store with their retail operation; Garfield Legal Services; Sopris Therapy; the Carbondale Play Center and the Defiance Thrift Store to secure their location for them.

To promote volunteerism they also organized "Make a Difference Day" in Glenwood Springs last year and 135 volunteers turned out in Sayer Park to donate a day to one of the menu of service projects.

The Aspen Valley Community Foundation formerly in 1980 was the Aspen Foundation and started by the Aspen Skiing Company. This was supported annually by a bronze ski pass program made available to foundation contributors. That program could raise \$1.2 million in charitable dollars annually. The grant making programs have pumped about \$1 million into this valley each year. Now they are embarking on a new plan to broaden their community support. The Aspen Skiing Company has committed to continue the ski pass medallion program for 4 years but at a reduced rate each year. The challenge is to use this period of time to replace the medallion income with other kinds of community support. This Spring they got off to a good start by raising \$5 million from contributors of \$100,000 each in unrestricted endowment funds. Added to some other endowment funds they have will put them at about \$10 million when all the pledges are paid up. This shows they can demonstrate permanency and stability.

One of the first moves was to change their name to the Aspen Valley Community Foundation -- this indicates their commitment to the entire valley consisting of Pitkin, Garfield and west Eagle Counties while remaining to keep their identity.

### **Summary**

Lynn said their priorities and what they love to support are human services and education. This includes children, families and communities. They service organizations located from Aspen to Parachute, especially those that are working in the arenas of human services and education. The support is through

grants but also strengthening their management with things like their executive service core and other programs; sponsoring events to connect them with funders and volunteers.

On the contributor's side they promote philanthropy in the local communities in many different ways -- they give contributors a lot of different giving options; they connect them with the best in nonprofit programs that have been researched and that fit their charitable interests through different kinds of vehicles like donor advised funds, field of interest funds, and different planned giving vehicles. This is a big part of their work -- without a contributor base they can't maintain their programs.

This Board of Commissioners may award a grant to us too support "Make a Difference Day" here in Glenwood Springs last year.

### ***Aging Programs***

Deb Stewart, Executive Director of the Colorado Mountain College Senior Programs -- *Aging Programs*; Cooper Corner, Judy Haines Co-Director; RSVP - Kathy Altman Director; Garfield Legal Services - Cheryl Hurst Director; and Columbine Home Health - Kim Oliver Executive Director, Clinical Services were present.

Deb Stewart said that she wanted to bring other speakers that provide services in Garfield County.

### ***Cooper Corner***

Judy Haines gave the presentation. Cooper Corner just celebrated their first year anniversary. \$2500 was received from Garfield County last year. She also complimented Lynn Russell and Aspen Community Foundation on their foresight in allowing Cooper Corner to come into being. This is a new service and the first real plan that came together with all the support. With the Aspen Valley's grant they leveraged other grants and donations from this community and around the state so that they did well and were financially viable during the first year.

Cooper Corner is an adult day care program consisting of people bring their loved ones -- any adult over 18 that's disabled or who is elderly and frail to their program on Monday, Wednesday and Friday. This person receives care, a good lunch, snacks, activities, nursing services, a relation between a physician and the family and a place to come that's really for them. For the family it gives a peace of mind to be able to go to work or do the things they need to get a break.

At present there are 18 people with the oldest being 93 and the youngest is 38 -- a car accident in October with severe head injuries and needs supervision and therapy during the daytime.

Most of the clients are elderly consisting of those having strokes, brain injury or have Alzheimer's and they come from Rifle, Silt, New Castle, Glenwood Springs, Basalt, Redstone, Carbondale and Eagle.

The Glenwood Springs clients benefit from The Traveler who can bring them in and take them home.

Columbine Home Health and Cooper Corner share many of the same clients -- these nurses help them with bathing at home and bring them in from western Garfield County to the Cooper Corner. These two services jointly provide services that many times prevent an elderly person from having to go into a nursing home environment.

Cooper Corner is still small and are averaging 3 to 7 people per day attending the M-W-F program. They have grown at an average pace. Judy qualified that by saying this is her third adult day care program to be involved with -- Colorado Springs 14 years ago; and Yuma, Arizona some time later. The reason these adult day care centers grow slowly is because they are new to the towns and people need to get to know about them. Trust is a big factor. Doctors and hospitals are main referrals.

Cooper Corner provides a senior nutrition site; they have 3 half-time staff people on board to provide the services but the volunteers make the difference by providing painting classes, music therapy, weekly memory lane, cooking classes, message therapy and gardeners. The Kiwanis Club built planters for the participants to plant flowers and enjoy.

Deb Stewart serves on their Board and an invaluable member helping them to become another program that helps seniors.

Judy thanked the Board for their support.

### ***RSVP***

Kathy Altman gave the presentation. She said RSVP provides services to individuals ages 1 to 100 and facilitate seniors in their desire to meet critical community needs in Garfield County. RSVP is a part of the Corporation for National Service. One of her favorite parts of the program started more recently is the reading tutor program. They provide senior tutors for kids in preschool through 3rd grade. Kathy coordinates with the schools and the tutors promise about 3 hours per week and do 1/2 hour one on one.

sessions with the kids. Other volunteer opportunities include: assisting other nonprofit organization such as Garfield Youth Services working to find volunteers to help them with their programs; income tax preparation; dispatching the Traveler; meal site assistance; helping frail elderly remain independent in their own homes with medical transportation if the Traveler is not able or available and do grocery shopping and other things for people without mobility; and meals on wheels. They have 625 volunteers in Garfield County -- these include volunteers in the hospitals and all different kinds of medical facilities. The Commissioners have given grants to this program for years and also with mileage reimbursement for the volunteers who take the elderly to doctors in Grand Junction and participate in the annual recognition of their volunteer each year.

In summary RSVP is a program helping seniors stay healthy and happy.

### ***Columbine Home Health***

Kim Oliver, RN, BSN gave information on the services provided and a presentation.

Columbine was started in 1997 by three nurses - Sarah Oliver, Kim Oliver, and Heather Lutgring. It was originally Heritage Home Health with Heritage Park Care Center but there were unmet needs with the seniors and disabled population so they founded a nonprofit home health in order to meet some of those needs that a for-profit agency could not meet. One is the Homemaker Services Program that provides a sliding fee schedule for seniors and disabled on a fixed income with housecleaning, grocery shopping and cooking, transportation to medical appointments, and bathing services.

Senior Wellness Clinics are provided free to seniors and this includes a nurse practitioner, an RN, nurses aide and a physical therapist. They go from Aspen, Basalt, Carbondale, Glenwood, New Castle, Silt, Rifle and Parachute.

They do two clinics per month around the senior lunches and do it from 1:00 to 4:00 cutting toenails, the nurse practitioner does a heart lung and breast cancer awareness consisting of about a 20 minutes per screening; the nurse therapist does a fall prevention program checking out their shoes, suggests exercises, etc. They also provide the Koman Breast Cancer awareness with the nurse practitioner going in to the homes of the elderly women helping them perform these exams.

The Homemaker program is doubling in size; 75% come from Garfield County of the population they service from Aspen to Parachute. Most of the clinics pay between \$5.00 and \$7.00 per hour - however most of the program costs are \$30 an hour and this includes travel and mileage.

They also do outpatient therapy with the physical therapist.

The Medicare changes with the balance budget act of 1997, Columbine took a 28% decrease in reimbursement for 1998 which is huge. This as really affected the type of Medicare types of patients they can see. In 1998 they tried not to deny access to home health for Medicare patients however they were over their cost limit for 1998 by about \$50,000 so they have to make this up in other areas. Congress has been working on pieces of the balance budget act that were affected the home health Medicare piece -- they did get some relief in 1999 but not enough. They have to limit the types of services that they can provide to Medicare beneficiaries. In 1998 Medicare gave them \$2800 to provide per patient per year to do nursing, home health aide, physical therapy, occupational therapy, speech therapy and social work. For patients who had a stroke, this doesn't go far. This stretches to about between 40 and 50 visits per year and that's also prorated so if they share the client with a previous state if the client was moved to Colorado from somewhere else in order to avoid a nursing home. Sometimes the system fails and Columbine is not notified that there was another state involved. 50% of the home care agencies have closed in this area just since 1998.

Columbine does a whole continuum of care wherever there is a need: transportation to Cooper Corner, the wellness and Koman clinics; resource and referral at assisted living or nursing homes to home-living patients.

They provide 6,000 visits a year on 100 patients. They did 4,225 Medicare visits on 94 clients which equals about \$3300 per patient -- they only receive \$2800 per patient.

Commissioner McCown asked how they made up the difference.

Kim said by Home Equity Loans that have been obtained by the founders and all of the nurses donate a lot of their time and they do not always charge.

Chairman Martin noted this was a very dedicated group.

The Home Health is not growing because they can't. Limits have been made on how far they can travel

### ***Legal Aid - Cheryl Hurst***

Legal Aid provides Ombudsman Services to Senior Citizens.

Garfield Legal Services has been in operation since 1982. Some of the first services that they began providing were senior legal services. There is a 2-prong plan for senior legal services. The first is that the money comes from the Area Agency on Aging through the Older American's Act which helps them to provide legal services on many issues to people over 60 years of age.

They also do senior legal forums three times a year and go to senior citizens meal sites and do a mini Tuesday night bar where they have volunteer attorneys to answer legal questions.

The Ombudsman Program is for the elderly served seniors. Cheryl said they are trained by the State to work as advocates for residents in nursing care and assisted living facilities. The major trends Cheryl says she sees reflect a lot of what Kim was saying regarding cuts in medical care of Medicare patients. There are 40 beds in assisted living in Garfield County -- this includes Heritage Park and 4 small group homes around the county. This year the Crossroads Assisted Living Facility opened in Rifle and they are able to handle 32 clients; Parachute will open in August and handle another 40 clients. So from 40 assisted living patients, it will advance to 110 by the end of the year. The increase for a demand for their services is huge and they are looking for greater match money and an increase in the area agency moneys and other foundation moneys to help provide for a 1/2 Ombudsman to work in the office. Jeri McAllister was a student intern working on her degree in geriatrics at University of Northern Colorado. Jeri did such a good job that now Cheryl's office is flooded with calls.

#### ***Colorado Mountain College - Senior Services***

Deb Stewart submitted a handout on all the services provided. She said the key is information to the seniors on the services offered. Her focus is nutrition and transportation.

Information - the key is that a lot of services to support the seniors. Her focus is nutrition and transportation for the elderly.

Deb gave the various handouts explaining the menus and all the services they provide. On the backs of all menus they give information on nutrition.

The Traveler is in great demand. Transportation is the key to rural senior's independence. Deb said they received news of two little grants from C-DOT -- one is from a transit visibility project to help celebrate the 20th year of the Traveler this Fall and the other is for brochure development and community survey development with regard to the Traveler.

They received three grants from the Colorado Rural Health funded through the Colorado Trust for some accessibility of sustainability of grants. Some of this will be used for some accessibility issues at the Rifle Senior Center and some hearing equipment needed.

Deb submitted a short history she had written of the program after being asked by an agency for this information.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Social Services; carried.

#### **SOCIAL SERVICES**

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Social Services; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services; carried.

#### ***Mount Sopris Historical Agenda***

A request from Carbondale and Allen checked to make sure it qualifies as a tax donation.

#### ***Monthly Meeting - City of Glenwood Springs***

Ed mentioned Robin Clemens requesting setting up a regular schedule of the second Wednesday of each month now that we are in the jail construction between the City Council and the Board of Commissioners including appropriate staff from both City and County.

The Board mentioned they would rather have it on an as-needed basis.

Mildred mentioned the time frames related to the jail was one agenda item.

Commissioner McCown suggested giving the bar graph presented by Bob Johnson today to Mike Copp and allow them to review it and bring forth questions.

#### ***RFRHA and JASCom***

A meeting was announced for Wednesday, July 7 at 12:00 noon with Judy Stowe JASCom and RFRHA.

***Airport***

1:00 P.M. Tuesday, June 29, 1999.

***Personnel Committee***

Wednesday, 3:00 P.M. June 30, 1999.

***Adjourn - 5:15 P.M.***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

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**JUNE 29 , 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The SPECIAL meeting of the Board of County Commissioners began at 1:00 P.M. on Tuesday, June 29, 1999, with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

Others present were: Carolyn Dalghren, Ken Maenpa, Bob Szrot, Victoria Giannola, Barry Hamilton, Bob Howard, Ed Arnold, Jim Fels Planner for FAA and Representatives from Isbill Associates - David Nafie.

**AIRPORT MASTER PLAN**

Ken Maenpa submitted the Airport Manager's Update on June 14, 1999 that included immediate action, short term, long term, and future plans for the Airport.

In order to meet the short term goals as identified by Ken that included protecting Garfield County and assurances of continued FAA grants, an on-site meeting at the Airport was scheduled. The purpose of the meeting was to review the draft land use plan for the area surrounding the Garfield County Regional Airport.

During the discussion and identified in the long term goals it was determined that the Garfield County Regional Airport could influence and impact development almost to Rifle and all the way to Silt if the plan is implemented as recommended by Isbill Associates. This would involve establishing land use guidelines that would be adopted by Garfield County, Rifle and Silt. Aviation Easements, which could be purchased and or potentially prohibit building structures above a designated height to assure clearance for aircraft, were discussed. Notifying potential real estate buyers of the Airport's right to generate noise, dust and fumes would need to be included in purchase agreements. Education for the Airport's proximity to the currently planned Stillwater Ranch Housing Development in Silt was included in the discussions. Within the airport influence area, property owners might be asked to grant aviation easements above them and fair disclosure statements might have to be provided to people buying homes.

Currently the Airport is rated as a Class B under FAA standards, but has begun to receive a lot of traffic from bigger C-level jets.

Jim Fels said that if the county opts to remain a B-Category facility the FAA would ask it to limit traffic to B-level aircraft. Paul Hoffman, FBO and the Commissioners were not in favor of that option.

One major problem with upgrading the airport to a C-level is that the current 1.22% average grade of the runway is too steep to meet requirements for that category. It would have to be reduced to 0.8% on the first and last quarter of the runway which would entail raising the runway by several feet on one end and lowering it by a similar amount on the other.

David Nafie, consultant with Isbill Associates, noted that Garfield County Airport is well-positioned between Aspen, Eagle and Grand Junction to become an important player in that market. He informed the Commissioners of the cost to meet the criteria set by the FAA in order to service larger planes.

The potential payoff for the improvements of adding 400 feet to the 7,000 foot runway would enable airplanes to fly 200 more nautical miles from Rifle. This is enough to reach many other major cities beyond those that are now within the airport's reach for nonstop planes and would make the Airport more attractive for people flying jets to Colorado.

A list of six phases were identified as goals for the Airport:

- 1) Do nothing - leave Airport as a Category B with the runway at 7,000 or extend to 7,400
- 2) Fix profile to upgrade to a Category C - D - establish ordinances to limit aircraft - cost \$10 million.
- 3) Shorten Runway - 6200 feet - Category C-D and fix profile - cost \$800,000
- 4) Convince FAA to issue a waiver for the instrument approach
- 5) Declare the distances
- 6) Fix everything - extend runway to 7400' - cost \$13 - \$15 million

The options were prioritized as - #1 - to close the road and add fill to extend the runway; and #2 - pave the runway.

The FAA requires a 10% match and is willing to fund a portion of the upgrades.

Recess until June 30, 1999

Attest:

Chairman of the Board

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**JUNE 30 , 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**AND**  
**PITKIN COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The SPECIAL WORKSHOP of the Board of County Commissioners began at 8:00 A.M. on Wednesday, June 30, 1999, with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green,; Building and Planning Mark Bean; Human Services Margaret Long; Public Health Mary Meisner; and Clerk & Recorder Mildred Alsdorf. Also present from Pitkin County were: Shelly Whitehouse, Dorothea Farris, Tom Newland, Mick Ireland, and Leslie Lamont.

**CALL TO ORDER**

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

Discussion topics included:

Communication between the two groups

Mid-Valley Sanitation District

RFRHA

Land Use

Community Health

Valley-wide funding for Public Health

Kids First Program

Veterans Services

Housing

Blue Lake - Entrance to Garfield County

Rural Resort

Regional Transportation

RFTA

Working Together

Scheduling Next Meeting

***Communication between the two groups***

Both groups of Commissioners agreed that communication needed to be improved in order to be better neighbors and confront the issues that affect both. One of those issues was identified as a bus system/transportation from Rifle to Aspen.

***Mid-Valley Sanitation District***

The upgrade of Mid-Valley Sanitation District will be forthcoming before the Commissioners. The Planning Commission recommended denial of the application based on noncompliance with the Comprehensive Plan and issues such as not enough development approved to justify the expansion; also if approved then it could be used as a land use tool generating additional growth with more homes per acre than currently zoned. However the Commissioners were unable to answer any specific questions as they have not seen the application. The Commissioners have the final decision.

***Fish Property at Catherine's Store***

Chairman Martin referenced this as a Special Use Permit being applied for.

Mark mentioned they were applying to add an Accessory Dwelling to be in compliance with a Code Enforcement Violation.

***RFRHA***

Chairman Martin referenced the Fish Property would be affected by the realignment of the rail corridor. The various alignments were discussed.

Tom Newland mentioned there was a gathering of information and is being sent to property owners asking for their comments.

Information was handed. The two alignments being looked at where explained.

***Land Use***

Chairman Martin mentioned that land use issues were being looked into.



Dorothea Farris said land use impacts were of consideration.

Tom Newland mentioned the Cerise Ranch was being affected by one of the suggested alignments but Coryell and others might be.

The various impacts from the proposed alignments were discussed.

Tom alluded to a \$700,000 cost savings for following the option to cross at Flying Fish Road rail wise but a \$5.5 million impact to the additional cost of the trail - Alternate 2.

Dorothea mentioned when the rail corridor was being looked into for purchase, they were aware of a few tight spots -- this was one of them.

A question for Garfield Commissioners was -- when Garfield County is reviewing development proposals along the transit corridor, can referral agencies comment?

Chairman Martin mentioned yes, and referral agencies were commenting. The realignment cost itself versus the trail alignment \$5.5 million to \$129 million to build a new rail. Is it worth keeping the existing alignment and saving \$129 million versus \$5 - 10 million to do a trail. What you have to do is look at the impact. These are the comments the Board considers and the reason the Board feels there needs to be more work on that alignment.

Tom mentioned that at next Friday's meeting, the policy committee will be looking at these alternatives and discussed.

### ***Community Health - Immunization Programs***

Chairman Martin mentioned that the two counties have been working on a community health center.

Mary Meisner stated that Pitkin County is involved in all the meetings and they are on target. Now health services will be provided to indigent, the working poor, and those covered under Medicaid.

The Mid-Valley Clinic will be opening soon. Mary stated she works directly with Yvonne Hernandez, Director of Public Health in Pitkin County.

### ***Valley-wide funding for Public Health***

Mary stated that the two counties work together and have submitted a prevention block grant but they haven't received the results yet.

Mary explained the working relationship between Eagle, Pitkin and Garfield Counties.

### ***Kids First Program***

Margaret Long explained the program and the focus on building child care capacity. The dollars are set up and there are no barriers. This is through Rural Resort.

Margaret gave the Garfield County kid count in foster care as 90; 160 child welfare (some in placement, some not) cases a month to Pitkin's 150 a year; about 50 Colorado Works to Pitkin's 0-1; 40 child only cases; 250 aid to the disabled; 350 old age pension and 1/3 are nursing home care; and 680 families on medical assistance.

Pitkin County is funded differently for Human Services.

### ***Veterans Services***

Joe Carpenter provides the Veterans Services for both Pitkin, Eagle and Garfield County. Joe provides offices hours up in Pitkin every two weeks and he is terrific. Pitkin is taking them out of the contract agency realm and put them into a different budget since this is a mandated service and that will reduce some of the work load that Joe has to do in terms of reporting. Pitkin is committed to their veterans and have had discussions with Joe as to what they need in order to be successful.

### ***Housing - Blue Lake - Entrance to Garfield County***

Blue Lake is considered the entrance to Garfield County and the other is I-70 Glenwood Springs, make this a toll road. Chairman Martin stated that Garfield is faced with the growth. Housing is a real concern to the County and goes along with all the social ills that we face. Once the construction dies down in Pitkin and Eagle County those folks will be in Garfield County as growth is going to happen in Rifle and other areas west.

Pitkin County Leslie Lamont asked if Garfield County was prepared to adopt urban growth boundaries. This is a major difference if point of views as Pitkin County does consider those and adopts them in the upper end of the valley. The reaction then from areas where these restrictions are not is forcing the growth somewhere else. They are forcing it to exist in certain places in Pitkin County. Other counties make the choices as to whether they will allow it to exist there. This is the biggest argument between upper and lower ends of the valley -- who's forcing what on whom. By saying we want urban growth boundaries and

open space between communities, they want limited development in certain areas, restrict development to areas where it already occurs or is available for transit to get cars off the road, limit the number of cars so the air will remain clean, and they are willing to make those statements. This does not say that we don't care what happens outside our boundaries because they are forcing these problems on growth and no green areas and no open space on someone else just because they choose to have it. It does force the decision on the other entities to decide if they want restrictions, open space, etc. So we need to get past the point where "you made another decision to preserve open space and you're not building housing, therefore you are forcing them to live somewhere else." The best way to proceed from that is the opposite point of view is to say, okay, we respect your point of view but I may disagree with it, but I respect your right to believe you can identify this and there's no better use than to build on it and let everyone come that wants to come. Then, if that's what the other county chooses to do, then our neighbors need to say "we'll work with you and accept what each county is doing." Pitkin County recognizes that if Pitkin continues to build they are working up there too and that highway is going up there and we need to know that this is what you've chosen to do and it's impact on us. At this point that's as close as the two counties can get -- recognizing there is a different point of view and what we do does impact the other counties and we will let you know -- you'll read about it in the paper.

Chairman Martin indicated the two can be far apart but we can also take the point of view that we designate where urban growth boundaries are going to be and that will along Blue Lake or Carbondale and that border, high density, high rise, everything else that the landowners want to develop there and build and then it would result in a new city in-between. This is not what they want to do. Therefore what Garfield does is regionalize and reduce the overall impact on the lower part of the valley by moving all the service industry to that end of the valley closest to where the services area and now have to deal with the other problem from Carbondale to Glenwood Springs, I-70 and the traffic there. This becomes a difficult issue as well.

Leslie said whether it is Healthy Mountain Communities or whatever, we need to start looking at the impacts of the growth. The same impacts are there between both counties. A large home in Aspen is the same impact in Garfield County as is Aspen Glen. They suggested a sharing of information -- this is the direction and look at the valley-wide and said this is the carrying capacity of this watershed and make the decisions based on the data each is gathering.

Pitkin noted that Garfield Counties not only going to grow from Blue Lake to Glenwood Springs, but towards the west as well. She suggested they needed to decide how best to make this growth work for the County. Pitkin County is not trying to force anybody on Garfield County. They decided 22 years when they were having 15% growth and down zoned.

### ***Rural Resort***

Commissioner McCown said he had a disagreement, if they do the "gate" scenario and we say no more working in Pitkin County if you live in Garfield County, we would eliminate a lot of our social, enforcement and housing problems -- we can't do that.

Leslie thought this was an interesting philosophy.

Commissioner McCown alluded to the dollar for dollar not matching, right now Latinos being generated in Pitkin County are not supporting Garfield County because we are encumbered with the social and housing problems. Child placement does not derive from the Aspen lands -- we have very few placements out of Aspen. These are mainly from the west part of the county and mobile home areas. Therefore, he didn't agree that we are on an equal footing and water is the only thing that will control the use of this valley when we're going to reach a point of saturation where we no longer can afford to provide the services to the workers that are working in Pitkin and Summit Counties.

Commissioner McCown said now that we have this population here we are trying to take care of them. But they are living in Garfield and Lake Counties. The Five County Bill is a great Bill but it's pie in the sky. Larry said he admires Russ as the Speaker of the House but if he couldn't get it done this year, he doubts he will get the bill passed next year.

Leslie thought this was a creative idea and our region should explore on our own to try and find ways to cooperatively share revenue without having to get the blessing of everybody in the State.

Commissioner McCown said this might work if an agreement could be worked out amongst the 5 counties on an handshake and a MOU it would be a piece of cake. But the money goes to the State first and then redistributed.

Leslie mentioned the ways in which we have supported each other's programs just internal by working and she didn't want to lose sight of the work that went in on that tax revenue sharing. She wanted to make a plug once again for Rural Resort Region where the five counties who are regionally working on these kinds of issues.

### ***Regional Transportation Authority***

Leslie thought Larry had a very interesting point, and through the Regional Transportation Authority work -- see a 'dollars flow economic study' and see where the dollars are being generated and where they are flowing to. Her sense is that 10 - 15 years ago that end of the valley was solely the economic engine, but now it is balancing out and we're seeing in a lot of different arenas that things are not in early morning flowing South and at the end of the day flowing North. She serves on the RFTA board.

### ***RFTA***

RETA's greatest increase in ridership has been between Carbondale and Glenwood -- not Basalt and Aspen. Her sense is that the valley is starting to balance out a bit. Wal Mart, Aspen Glen, the River Valley Ranch in Carbondale and others are helping to balance the valley. It would be fascinating to look at the flow of money in this valley and instead of sticking with old assumptions of what used to be in this valley, to start with some new numbers and rework our assumptions about how we all interact and how we are dependent and independent of each other.

The Valley Summit last summer was the first time anyone really took a crack at just looking at the valley wide comprehensive plan, the zoning, the permits, the growth projection -- it was eye opening. Commissioner McCown said Parachute is closer to Grand Junction than Aspen, but more people commute from Parachute to Aspen. The housing in Grand Junction is available so if you live there, you work there and two, the affordability of housing that is being created by Roaring Fork Energy is another thing we have to look at and that's where a major portion of the blue collar growth has occurred because of the lack of affordability of housing in the Roaring Fork Valley. Construction workers and operators earn their living from Glenwood to Parachute.

Leslie said two separate groups totally assigned to different tasks came in with the same list and goals that they felt needed to be addressed which is growth and employees at our end because they don't believe that in studying the issues that it is possible to build our way out of the housing problem. What we have to do at our end of the valley is look at ways to control what our job growth has been. She stated that Aspen has been running at 2% in housing but an 8% job growth at Aspen end of the valley. A list of 20 items presented to them were in total opposition to things like a lottery for construction permits or head taxes on employees. They are taking a real serious look at that part of the problem they are generating -- it is undetermined how to handle it, but they recognize how they are contributing and are trying to tackle it.

### ***Working Together***

Shelly Whitehouse suggested the two counties explore together. They are doing this with the Town of Basalt and have always done it with Aspen and that is where our borders touch like in the Crystal River Valley, that we have a more concerted joint review of development proposals and not just to give a Public Notice on something where comments are welcomed, she suggested to exchange applications and look for well-thought out comments from each other's staffs and each of the Commissioners to start to get a sense on the development application. It is this development that is having a direct impact on Carbondale and on Garfield County roads, and what impacts are we presenting. This would help to keep this dialogue going to get a better sense of what we think our issues are and how we are approaching those issues.

Everyone agreed.

Commissioner McCown thought we did that already.

Shelly said sometimes this doesn't filter up to the Commissioners and we need to be involved.

Chairman Martin mentioned if an inventory was done of gravel pits in Pitkin versus Garfield County -- without the gravel pits where would construction industry obtain these materials for foundations, etc. This is one of the areas that Garfield is supplying for the growth in Aspen that is creating a problem for our County -- it is a vicious cycle.

Leslie commented that Pitkin get a strong recommendation from Garfield County when they handle and tackle job growth.

Chairman Martin said the issues both counties face is how to curb population growth, how to curb jobs and free market enterprise; these are real problems.

Leslie referred back to the question -- is Garfield County ready to look at down zoning within its boundaries because you just put out a great case of why Garfield County may want to tackle that. Shelly asked if Garfield County had an open space tax; and if not would the County be willing to put that on countywide?

Chairman Martin said it had never been tried in the County.

Shelly asked the Commissioners to consider it.

Chairman Martin mentioned of the 2 million acres, 1,300,000 already owned by the other governments that you can't build on anyway.

Shelly mentioned that in Aspen only 15% is private and look at it, you fill up that 15% and the rest is covered with snow.

Chairman Martin said there is already lots of open space in Garfield County.

Commissioner Stowe commented as much as we would like open space between Glenwood Springs and Carbondale and Basalt, the reality is if we downside and leave those areas as open spaces, we force all the blue collar workers and service people further down the river which exasperates them with travel distance, work hour days, time restraints going from 10 hour days to twelve hour days which again exasperates our social problems. Pitkin County needs the workers, we need workers in Carbondale/Glenwood areas and for the County to even consider that could all be open space as beautiful as it is, we're saying "no one else can move into this valley." Stowe said his family moved here 35 years ago, do I have the right to shut the gate today, did someone have the right to shut the gate 35 years ago when we only had a two lane highway coming through Glenwood?"

Leslie said rather than saying open space and no construction, you're saying you're concentrating the growth in certain areas and not others. An open space tax allows you to do that.

Commissioner Stowe said that's what our comprehensive plan does it -- it attempts to concentrate growth around the cities and developed areas. At the same time there is a need to respect the right of the landowner in-between them. The farmer that has been here for 100 years cannot be told that your land has got to stay fields the rest of your life -- this is his only investment and his retirement.

Shelly said their guys are selling their fields for \$15 million. They are not being harmed by the down zoning because the estate seems to be a very hot commodity.

Leslie said when she was running for Commissioner she had the opportunity to go up in a plane and fly the valley, the Crystal Valley and all the way down to Glenwood and back -- it was a fascinating experience to realize how open the valley really is but you can see where development is leaking out of our traditional nodes of development in the valley. Her greatest fear is that the only open space in the valley that will be left is golf courses and our only way that open space becomes connected in the valley. She would really like to see in Garfield County with boundaries is an identification nodes based upon certain criteria in existing communities -- El Jebel, Carbondale and Glenwood and concentrate development within those nodes; transferring to development and provision of services, the ability for people to live where they work. For example, Basalt has a master plan, a comprehensive plan and they have urban growth boundaries and their 3 mile planning and their concern for Aspen was the land that's in Pitkin County that's within Basalt's 3 mile boundary but outside their urban growth boundary that Pitkin was going to start high density affordable housing down there. Basalt has said, wait a minute, this is outside our urban growth boundaries and not the spirit of development they want to happen even though it's in Pitkin County. So Pitkin County has been working very closely then to respect their master plan development and keep the development concentrated around Basalt.

Commissioner Stowe said his idea of rural goes on to where they service their own community and provide the service personnel to their own businesses. Each community and the closer you get to Pitkin County or Eagle County borders also have to consider how much of that personnel that lives within that community is necessary to service the needs of Pitkin County. And within Glenwood, Rifle and Silt how many are going to be needing to go up to the Eagle Valley so we can't just isolate our nodes and say that this will service the needs of our valley and where we are going to keep our population restricted too. As salaries increase here and all of the sudden the demand for service people flow out to this other area, then we will need a bigger node to support not only the intricacies of the individual towns but what is also happening up valley. This makes the situation a bit more complicated and municipalities have to also look at that. We as a county, if we start drawing these fictitious boundaries and say okay these are all going to be open spaces out here, we then have constrained or limited the cities to what they can do as a future growth influence or sphere. He appreciates what Pitkin is saying and in an optimal world this works but we are not -- we are all entities that support not only ourselves but what is happening at your end of the valley. Up here nothing is

expanding. Pitkin can pretty well draw the lines as to what you'll allow -- your open space is beautiful up there but you've not allowed the average working class person that needs to work up there the ability to live in that area.

Mick Ireland said the city's always said there's no growth limitation, no open space -- few people would really build affordable housing nor would they built golf courses and larger homes like Vail. He agreed he couldn't tell Garfield County what to do but he hopes that the County doesn't make the mistake Pitkin County did, you should make different mistakes. It's fine to say you want to preserve open space in Garfield County and make urban centers for housing development but you might want to consider creating some sort of affordable housing districts or zone requirements so that you don't essentially build more areas that are really not affordable. The way the market is going unfortunately Garfield County could be the next us with a bunch of not \$2 million dollar homes, but only \$1 million dollars but essentially the same pattern of development.

Comments - it has already happened from Carbondale to Glenwood; people have to live in Silt to work in Glenwood because it's too costly to live in Glenwood.

Shelly said the Commissioners who passed growth management said the only mistake they made was when they passed it they didn't then do an overlay of resident occupied only in their downzoning. Resident occupied only is defined as "you work in that community or you work there are retired having worked there first." Today Pitkin County is getting 825 illegal immigrants a year and that is a major city and what's happening is they are coming into Los Angeles and New York and those who can't afford it say it's too expensive and we are what's been on the cover of Time Magazine four times in the last four years -- we are small town America -- we are everybody's dream. The problem we are having is not going to go away because the external pressure is outside of what we can do. All we can do is to define what we want ourselves to look like and that's what Garfield County has to do and she agreed with Walt on immigration. Who am I to say, enough is enough. I'm also and everyone here is obviously children of immigrants or at the closest might have married an Indian in this group, but there's not a single person here who's a full blooded American. When the immigrants came here it was an empty country. We're not that now. What we have to decide is at what point do we preserve why our parents came here or why we came here. Do we want this to be an agricultural valley, do we want it to be only golf courses from one end to the other, if we want it to be golf courses and expensive homes, all we have to do is continue what we're doing and that is what will happen to us. If we have a different vision of what we want us to look like, then we have to make that happen and we cannot sit back and let market force because we know what market forces will take us too.

Chairman Martin said people came to this new country to escape their old life -- know we're saying no one else can do that. We're shutting the gate and saying no one can escape their old life to do better in a freer country.

Shelly said this was a morale issue and she didn't want to talk about that now. She wanted to focus on the Roaring Fork Valley -- what is it about.

Chairman Martin said it was a basic right to come here and live here -- we cannot tell people they can't.

Shelly a few minutes ago you said Pitkin County doesn't have the right to say no more people, we want to control what we look like. And then you say it's okay for us to tell someone else that they have the right to move here. She said this is growth -- it's for Garfield County to decide.

Commissioner Stowe said we have a few more irons in the mix here and part of that is driven by what has happened in Pitkin County and we have to be consonant of that.

Shelly said back to the open space tax, who in Parachute or Battlement Mesa is going to vote for an open space tax to benefit the Roaring Fork Valley. Not until they feel rather crowded and they feel -- Eagle County and Gypsum just turned down the annexation of Adams Rib new development because they didn't want that many people in their town. This was over 200 acres of open space and 2500 units of homes because we don't want our town to grown that fast. They took a stand. 7 - 10 years ago they wouldn't have even been on the radar. The question is when do you kill the golden goose and what point do you let the philosophy that anybody can come and we can't stop anybody. You can't say that you can't stop anybody but you can say, if you want to develop these are the criteria by which you develop and this is how we want development to impact our community and how we want the impact tax to be mitigated. When Sanders Ranch was originally proposed and RFTA reviewed their proposal and they thought they were meeting their RFTA obligations by providing a little piece of ground to put a RFTA stop on -- no this doesn't cut it with the amount of service that RFTA does provide to down valley. That's not the idea of meeting ones obligation of meeting the impacts.

Commissioner Stowe said when you require developers to furnish niceties and open space....

Leslie said you've eliminated affordable housing, but if you really look at some of the affordable housing can stay there -- you may cut the profit in that grove.

Commissioner Stowe remarked that Garfield County is requiring all new subdivision to have 10% affordable housing.

Shelly said 70% of the new -- Mick was asking earlier -- knowing that you can do that and say number of units have to be smaller houses so they can be affordable, deed restricted, or have a resident occupied restriction, you get to address a problem that they didn't and the other thing that the people 15 - 30 years ago when they went through this, said was rather than down zoning an entire county, say the Aspen Glen's are appropriate in this area, the smaller units community dense housing is appropriate here and that kind of planning we know more about than 30 years ago.

Commissioner Stowe mentioned that they cannot require a developer to provide affordable housing for the needs that already exist, only for the needs that will result as part of this new development.

Shelly mentioned that this is just now hitting Garfield County and the opportunity is there to get ahead of the game and goes back to what it costs to bring each house on. We want affordable housing. The phenomenon seen in Aspen is my home and others that were affordable when we purchased them are priced at \$1 million. Some of these were purchased for \$60,000. If we continue to have the outside of immigration on this valley, those \$200,000 houses today in ten years will be \$1 million dollar houses and what will happen is what we've seen in Aspen, the 50's styled houses that are 1500 square feet are being sold for \$1.5 million dollars and torn down and a mansion being put on there because the ground is in short supply. This is Garfield County's future and you must figure out what you want your future to be. You can look like Denver, like Aspen or figure out something in-between that works better than either of these two models.

#### ***Meeting with Wilderness Representative***

Chairman Martin mentioned the meeting on Roan Creek and Thompson Creek with the representative.

#### ***Non-Compete Clause***

Chairman Martin mentioned the non-compete clause seeing if Garfield County could develop a transit system down here that would go from Rifle to Aspen instead of just using RFTA as they may not be able to supply that under the constraints in their budget. What would be a viable option for Garfield County to get into.

Leslie noted as a RFTA Board member that it is news to her that they bought Aspen Limousine and that there is a non-compete clause but she found it interesting that Chairman Martin that he believes the service from Glenwood to Basalt is lacking. On a certain level she would agree; but a question for Garfield County - why has Garfield County declined to become a member of the RFTA Board?

Chairman Martin quoted the financial obligation - wherever that may be.

Leslie corrected him that there is no financial obligation to sit on the board.

Chairman Martin mentioned taking care of transit within the area and he's been pushing to go ahead and look at the Traveler and develop it for specialized needs as the only choice available -- RFTA is not able to provide that service. RFTA only supports travel in Glenwood Springs and the Traveler runs from Parachute to Carbondale -- it brings meals on wheels, assists the handicapped people, rides for people who have doctors appointments, bank appointments, dentists, and even goes to Grand Junction and back on requests. The problem with RFTA is that it is on a schedule and these people are not able to take advantage of that restriction.

Leslie clarified that Commissioner Martin was not talking about the bus service in Parachute to Aspen with the non-compete clause -- this is just regular bus service. She then asked why Garfield County would not support RFTA for the regular service.

Chairman Martin stated that one of the reasons was that it is private enterprise and the Traveler is a governmentally subsidized program; RFTA is an entity belonging to the taxing agency of upper valley's as well as Pitkin County and ski companies contribution runs RFTA.

Leslie stated that ski companies only run the skier bus service in the winter months. That is a direct contract between RFTA and ski company based upon the number of busses and services.

For Ride Glenwood it is now under the umbrella of RFTA but it is operated separately out of Glenwood so Glenwood hires the drivers and trains them and has mechanics for the busses because it was easier for RIDE Glenwood to recruit drivers without recruiting them through RFTA. We are connected but in an

umbrella contractible situation. RIDE Glenwood wanted to go year-round and in the past RFTA has facilitated Glenwood in the summer but the year round issue was drivers. If there's a need for expanded service -- RFTA already provides disabled services within the City of Glenwood. The issue with RFTA has always been not the number of vehicles or bringing on summer vehicles, it has always been drivers. She invited Garfield County to participate on the RFTA Board because this is the exact kind of service need that RFTA would address and look at with Garfield County as a partner. Chairman Martin wants RFTA to offer that service and stand on its own.

***Thanks to Garfield County for its support on the prioritization plan***

Mick Ireland said due to this, it put Pitkin County's round about and appreciate that as it has been a boost to the transportation committee. He said the two sets of Commissioners need to work on Bill Owens Proposal -- the State Bonding. In the absence of those bonds, things would move much slower. The presence of the bond things were done more quickly and when things are done quicker makes then the opportunity to do things on the Regional Priority List. You have two doors and by the time you reach one door, you don't know what's behind the other door and as a community we need to go through the other door and create some leverage to support that. If it goes down, then there is a danger of them taking resources, scrape them together and fulfill their campaign promises on the front range because that's where the votes are. If we can provide support then he felt some support would become available for the Regional Priority List. This is where we do what is needed, with left over money basically. One of those priorities is the South Glenwood Interchange. Mick urged the Commissioners to work with Glenwood Springs in order to expedite the engineering on that. If this is something the County wants to do, what's really going to happen in the Regional Priority List is they will look for projects where the engineering is done and they are ready to go. If you have it together then they may say, "let's go" otherwise they may just pass over it.

***Next Meeting Date***

A target time frame was set for September.  
Adjourn

Attest:

Chairman of the Board

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**JUNE 30 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The SPECIAL meeting of the Board of County Commissioners began at 5:00 P.M. on Wednesday, June 30, 1999, with Chairman John Martin and Commissioner Walt Stowe present. Commissioner Larry McCown was contacted by telephone. Also present were County Administrator Ed Green, County Attorney Don DeFord and Clerk & Recorder Mildred Alsdorf.

**Consideration of Fire Ban**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize County Attorney Don DeFord to impose the Fire Ban Ordinance No. 96-2 effective upon publication and remain in effect until July 19, 1999 at which time the Commissioners will review the saturation points and determine additional fire hazards; carried.

Adjourn

Attest:

Chairman of the Board

**JULY 1, 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The SPECIAL meeting of the Board of County Commissioners began at 9:00 A.M. on Monday, with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green, Department Heads, Elected Officials including Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**REVIEW OF THE BUDGET PREPARATION GUIDE**

Ed Green explained the packet; proposal dates for the preliminary submittals; and a time for questions and answers.

***Notice to Proceed Various Road Projects on CR 320 and CR 327***

This was scheduled to be discussed on Monday, July 12, 1999.

***Status for Contract Procurement Officer***

Ed said they interviewed two candidates and the evaluation panel was not thrilled with either. There are two others with their applications in and Ed will schedule a telephone interview with them sometime this week. He said there were close to having a candidate that can meet the needs.

***Motion to adjourn***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn; carried

Attest:

Chairman of the Board

  

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**JULY 7, 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The Continued meeting of the Board of County Commissioners began at 9:00 A.M. on Wednesday, July 7, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**PUBLIC HEARING: REQUEST APPROVAL TO AMEND THE SERVICE PLAN OF THE MID VALLEY METROPOLITAN DISTRICT. LOCATED NORTH AND SOUTH OF HIGHWAY 82, WEST OF THE GARFIELD/EAGLE COUNTY LINE TO CR 103/HIGHWAY 82 INTERSECTION. APPLICANT: MID VALLEY METROPOLITAN DISTRICT**

Don DeFord, Mark Bean, Bob Szrot, Victoria Giannola and Lee Leavenworth were present.

Don determined that adequate and proper notification and posting were in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers and announced the time limits and procedures for this hearing.

Mark Bean submitted the following Exhibits:

Exhibit A - Proof of Publication;

Exhibit B - Returned Receipts-County;

Exhibit C - Returned Receipts - Mid Valley Metropolitan District;

Exhibit D - Application

Exhibit E - Project Information and Staff Comments

Exhibit F - Garfield County Comprehensive Plan - Study Area

Exhibit G - Letter --Lee Leavenworth dtd 5/17/99

Exhibit H - Letter - Louis Meyer, Schmueser Gordon Meyer dtd 5/14/99

Exhibit I - Memo - Bob Szrot dtd 4/5/99

Exhibit J - Letter - Paul Clarkson - Eagle County dtd 4/5/99

Exhibit K - Letter - Mile Gerber Ranch at Roaring Fork Homeowners Association dtd 3/23/99;

Exhibit L - Letter - Mile Gerber - Ranch at Roaring Fork Homeowners Association dtd 6/24/99;

Exhibit M - Resolution #8 - Town of Basalt;

Exhibit N - Draft Minutes Garfield County Planning and Zoning dtd 5/26/99;

Exhibit O - Letter - Herb Klein dtd 7/2/99;

Exhibit P - Letter w/Attachments - Supplement - Lee Leavenworth;

Exhibit Q - Letter - James & Henry Peterson dtd 7/2/99;

Exhibit R - Letter with St. Finnbar Petition - Lee Leavenworth - dtd 7/6/99;

Exhibit S - Letter - David Leavenworth dtd 7/6/99

Exhibit T - Letter - Doug Pratt dtd 7/1/99;

Exhibit U - Letter - Leslie Lamont/Peter Martin - Pitkin County dtd 7/2/99;

Exhibit V - Letter - Jean and Dee Blue dtd 5/23/99;

Exhibit W - Letter - Harold Blue dtd 5/23/99;

Exhibit X - Letter - Shep & Mary Harris dtd 5/26/99;

Exhibit Y - Letter - Eric Carlson dtd 5/25/99;

Exhibit Z - Letter - Jim and Vanessa Biebel dtd 5/26/99;

Exhibit AA - Letter - Eric McCafferty - dtd 7/6/99;

Exhibit AB - Letter - Henry Ipsen - Holme, Roberts, Owens on Behalf Thomas Bailey dtd 6/30/99; and

Exhibit AC -Memo to Bob Szrot to Louis Meyer dtd 5/17/99

Chairman Martin admitted Exhibits A - AC into the record.

Don DeFord determined that Mark Bean had included the mailings to the Department of Local Affairs in Exhibit B with the County's Returned Receipts.

Mark gave the summary:

The Mid Valley Metropolitan District (MVMD) is proposing to amend the existing district boundaries established in 1982, to create the Garfield County Service Area (GCSA). The existing district boundaries include approximately 2,000 acres of land located in the Basalt/El Jebel area of Eagle County. The existing

district provides water and sewage services to the District residents. The proposed district would add 1,824 acres of land that is generally described as the Roaring fork River Valley floor north of the river and the north side of Highway 82m extending west from the Dakota Subdivision to the Ranch at Roaring Fork. The existing district has 999 EQR's or an estimated populations equivalent of 2997 people. There is an estimated 1,195 undeveloped EQR's or a population equivalent of 3,585 people. The District projects that two other districts in the vicinity of the present day facilities will be merged with the MVMD at some time in the future, which would result in a total of 3217 EQR's or a population equivalent of 9651 people. The proposed GCSA would have a projected total of 462 EQR's and a population equivalent (PE) of 1383 people, based upon the Comprehensive Plan designations. Based upon the existing underlying zone district designations in the same area, the applicant projects a maximum of 840 EQR's or population equivalent of 2520 people. The applicant's also included an analysis of "densities based upon discussions with individual landowners and estimates of development densities consistent with the expressed intentions of adjacent landowners." This project would result in 955 EQR's and a PE of 2885 people. The existing wastewater treatment facility can treat up to 325,000 gpd, with an ultimate capacity of 650,000 gpd or 6,500 people approved by a site application from the Colorado Department of Public Health and Education (CDPHE).

After further evaluation by the District Board, the ultimate plant size was defined as 891,450 gpd. The proposed Garfield County Service Area would have a separate treatment facility located at one of the three potential sites in the proposed service area. There are two potential sites at the Ranch at Roaring Fork, two on the Clifford Cerise property and one on the St. Finnbar Ranch property. It is anticipated that the first phase of the plant would be 100,000 gpd to 200,000 gpd, depending on some pending development approvals.

The MVMD also provides domestic water service to residents with the existing service district boundary. Any property within the GCSA would be required to enter into a pre-inclusion agreement, requiring the dedication of wholesale and retail water facilities necessary to meet the needs of the development. Additionally, each water system has to have interconnecting transmission lines that are properly oversized to allow for the connection to a larger district owned system. The water system will consist of pressurized water mains within a single pressure zone. The range of water demand is from 192.50 gmp Maximum Daily Demand for the Comprehensive Plan projects of 462 EQR to 397.92 gpm Maximum Daily Demand for the Landowner project of 955 EQR. An existing well field serves the MVMD properties and there are two other potential well field sites to the west on the Dennis Cerise Ranch and the Prehanna property. The estimated cost of the construction of a new 286,000 gpd sewage treatment facility and associated infrastructure was developed for the three different sites. If the plant is built on the Ranch at Roaring Fork property, it would cost \$4,507,119 to build it. If the plant is built on the Cerise property, it would cost \$3,927,009 to build. If the facility is built on the St. Finnbar property, it would cost \$4,019,190 to build. The annual operating costs are estimated at \$97,757 for the 286,500 gpd plant. There is no financial analysis of the water system included in the application.

A property owner in the proposed District service area will make capital cost contributions to fund construction of the plant and related infrastructure and receive credit for tap fees that would normally be collected. Operation and maintenance costs may be under by any or all of the following: (1) monthly user service fees; (2) reasonable mill levy assessment; (3) tap fee proceeds designated for operational expenditures, including reserve and replacement funds to be collected by the District upon the sale of each tap; (4) an operation surcharge whereby parties financing the District's facility upgrade and expansion will fund any shortfall the District experiences for operation and maintenance of the plant prior to efficient operational capacity. The District may also issue tax exempt revenue bonds guaranteed secured by credit enhancements provided by developers.

In terms of the application, the application was based upon the applicant's desire and suggests a density over and above the zoning densities and comprehensive plan.

It is staff's position that the District has developed a plan that drives land use decisions.

### ***Recommendation***

The Planning Commission recommended that the Board of County Commissioners *disapprove* the proposed service plan amendments based upon the lack of satisfactory evidence that:

There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district.

The proposal is in substantial compliance with a master plan adopted pursuant to Section 30-28-106 C. R. S.

Lee Leavenworth attorney for the applicant presented that Mid-Valley Sanitation District has received requests and entered into pre-inclusion agreements with Cerise Ranch, St. Finnbarr and Pershanna Farms. Louis Meyer stated that Schmueser Gordon Meyer, Engineer for Mid Valley Metropolitan wrote the original service plan in 1982 and will provide documentation for the Board to make a decision regarding the consideration of this Board in approving the service plan.

Exhibit 2 is a re-summary of what Mark Bean stated as the criteria.

Exhibit 1 - a map of the existing district.

Exhibit 3 - chart of areas within the district and important to note that they will service Eagle -- this is a new service area.

Exhibit 4 - boundaries of Garfield County.

Louis stated that what generated this expansion was the ammonia limitation; Highway 82 that split the District in half and they have had to deal with this constraint. Then in Dakota Subdivision it started with increase demand for service. They held 20 - 30 meetings with landowners, Department of Health and the Northwest Council. They concluded the best way to service the area was to expand their service area and with a demand downstream to install a sub-service.

This boundary was chosen due to the philosophy of the district not to piece meal basis; not to take request from individual properties but to look at a true regional picture. They also considered what they felt like the landowners were looked at and the formation of a regional district discussed. They worked with the State Department of Health policies and the 208 plan policies.

Exhibit 5 - Demographics in the area. Louis stated they were in great disagreement with Mark on this. Based on the Comp Plan, 2) the underlying zoning and 3) they talked to property owners in the service area. He said they were not trying to drive land decisions but to look at the ranges of things in this valley.

Exhibit 6 - District Extended Service Area overlaying with the Comprehensive Plan recommendations.

Exhibit 7 - A Summary of the Comprehensive Plan and what the existing developments in the service areas are.

Exhibit 8 - Existing Zoning in the Service Area - Existing Zone is A/R/RD which is 2 acres per unit zoning. Ranch at Roaring Fork, Pershanna, and St. Finnbarr some level of sketch plan approvals as of this date.

Exhibit 9 - Talked to Property Owners; they did not talk to the Blues - this was a mistake and they have since talked to the Blues.

Louis said they were looking at a range of between 460 to 595 EQR's. The Board of County Commissioners have the final determination. But as a utility, they have to do long-range planning.

Exhibit 10 - Present wastewater service and projected needs - a map that was discussed yesterday during the 208 Plan Water Advisory Committee. The map was prepared by Rob Hykys showing all the permitted wells and current ISDS systems in the County. This gives an idea of how many there are in this County. Counties all over the state have had to deal with ISDS. Best document in looking at ISDS is the document done in 1999 by the Regional Council of Governments and submitted.

Citations

Exhibit 10A - p 2 - Louis read from this verbatim.

The last paragraph is a key - the state has been conducting a lot of data sampling and came to the conclusion that they received a lot of complaints from the citizens and it focused on ammonia. At the present time there is no ammonia problem. There is a prosperous problem and it is coming from the ISDS systems.

Exhibit 10B - Clifford Cerise Property.

Exhibit 11 - is a drawing of the Clifford Cerise Property showing the two sites.

Exhibit 12 - the Finnbarr Property

Exhibit 13 - Chart showing EQR's and economic viability. The cost for the plant and the associated facilities with that plant.

Exhibit 14 - same table but if built out. Compliance with long range plants.

Exhibit 15 - Regional 208 plan late from the late 70's.

Exhibit 16 Roy Romer -

Exhibit 17 - 3.01 Point Source Issues -- Recommendation 4.2 Policy Objectives

Exhibit 18 - Policy Objectives - 4.2 Policy Objectives

Exhibit 19 - letter to a former Ranch Homeowners holding up site application.

Exhibit 20 - The Department of Health wrote to Mr. Colton and he cited from Department of Health -- underlined in the documents (read verbatim the underlined portions).

Exhibit 21 - letter signed by David Holm - Water Control Exhibit 22

Exhibit 22 - Long Range Comp Plans - Water Quality Issues - The Board of County Commissioners has made decisions in the past - discussion over approval of the Ranch Site Application .

Exhibit 23, 24 & 25 - Comments by the Board - Commissioner Minutes of the Meeting.

Exhibit 26 & 27 - Conditions of Approval for the Ranch Site Application

Exhibits 28 - Garfield County's Comprehensive Plan - Citations to this issue - 7.1, 7.2 and 7.4

Exhibit 29 - Areas identified having identified with severe constraints to the use of ISDS's - Developer shall install either centralized waste water treatment facilities or another engineered design approved by the State.

Exhibit 30 - Waste water - the need for and why they are proposing water service -- is there a need -- the Ranch has own community water system. All else operate from wells - all pump directly out of the aquifer and there is no disinfecting, no treatment -- over 50 wells in this area at the present time.

Exhibit 31 - Table summarizing water criteria

Exhibit 32 Economic Viability charts - cost for EQR - range \$2000 - \$18000 per EQR and from Comp Plan to an up-zoning.

This concludes the remarks made by Louis Meyer. In summary he said this is a win win situation. A win for water quality and the Board of Commissioners still have all land use decisions - a win for water quality and a win for land use.

Chairman Martin entered all documents into the record.

Mr. Ted Guy - Chairman/President of the Mid-Valley Board. Involved since 1981 when he joined the Basalt Sanitation District. He summarized that the biggest issue is water quality. resources to remedy the problems. By consolidation you have better trained individuals running the system.

Dan Conway, Consultant employed by the District - Submitted for the record his Resume' and other documents.

cluster open space - active and passive recreational and agricultural land. 1 unit per acre = 980 acres preserved as open space.

Conclusion - The expansion - only BOCC will make land use decision. MV can aid the BOCC what is currently - Smart Growth manner to achieve the goals and objectives of the Comp Plan.

Exhibit 33 - a letter dtd 5/6/9 from Cheryl Chandler, member of P & Z for Garfield County.

Lee Leavenworth summarized saying that the Mid-Valley Sanitation District has pre-inclusion petitions filed and are contained in the record - agreements with St. Finnbarr, Cerise Property and Pershanna Farms. Wanted to make it clear for the record that the inclusion of all the properties owned by Blues was inadvertently and amended the boundary and service area to include all their property. He also wanted to make it clear that there will be no debt incurred by the District with the expansion. The developers will be responsible to up-front the costs.

The District has \$2.5 million cash in the bank. The district water rights: the District has a portfolio at the present time and it includes over 600 acre feet associated with irrigation rights or a 300 feet Rued contract with the Bureau of Reclamation with an augmentation plan allowing it to serve well into the future.

It is not the district's policy to require dedication of all water rights; it is only their policy to require the dedication the amount of water rights necessary to serve the project.

Lee added that so the record would be clear, the District is only a water and sewer provider and it has not proposed any recreational services in this service plan nor does it have any in the Eagle County Plan. The District is a public entity and it is represented by an elected Board of Directors all landowners or residents of 30 days and who are registered to vote. The residents of the areas served who are included in the District at the time service occurs will have the opportunity to make decision of the District through the election process. The district, the inclusion of numbers for the Comp Plan and Zoning and difference with staff and projects beyond that is very simple -- they are not trying to drive growth - these are in land use -- this is a water quality issue. If the Comp Plan is amended in the future they do not want to amend their service plan.

Exhibit 34 - Lee submitted in response to a letter from the Homeowners at the Ranch at Roaring Fork to make it clear that when the Ranch advised their members of this hearing and suggested that they either appear or sign a letter of objection of being included in the service area, one of the things they did not tell them was that Mid Valley District offered free taps to all the Ranch Property and entered the offers of fee taps into the record.

In Conclusion, Lee asked that the Board approve this service plan and said they accept all the conditions of all the inclusions of the Blue, the Blake Jordan conditions and any conditions proposed by of Mark Bean for a density approval and accept the condition that they will not locate the plant on the Ranch site without an agreement with the Ranch.

Garfield County has a real opportunity and it is curious to Lee, he said, that the Department of Health is not here telling you their opinion of this. He added that he believes that is because the Department of Health wants the Board to make this decision -- what you think is important for Garfield County in this area and the suggested that the approval of the service plan is a water quality statement that the County needs to make for it's future citizens and for it's residents.

Mark entered Exhibits: Exhibit AD - Mr. Conway Resume submitted; Exhibit AE - Letter from Cheryl Chandler; and Exhibit AF - Mid Valley Metropolitan District offers to Ranch at Roaring Fork.

Chairman Martin admitted the Exhibits AD - AE into the record.

Michael Gerber - Chairman of the Board of Directors at the Ranch at Roaring Fork Homeowners Association - He represents the 137 homeowners -- some in attendance and some signed the letter dated June 24, 1999. This letter states that they do not want and did not request service and currently oppose inclusion in the proposed Garfield County service plan area.

The majority of property owners within the proposed Garfield County service plan area reside at the Ranch at Roaring Fork. They oppose this service plan amendment and object to the Ranch being included in the proposed service area for several reasons. They do not need the service as the Ranch already has domestic water, waste water, and recreational services and have now for 25 years. Their own site application has been held up by State for over a year was recently forwarded to the State Water Quality Control Division in Denver for consideration of final approval and they are waiting for Manager, David Ackers to respond. They have made it clear to Mr. Ackers that they would be willing to have, as they have all along, to serve their adjacent neighbors should they chose or so desire.

Finally based upon presentations they asked the Board to address some discrepancies and inconsistencies later in the proceeding if this is agreeable with the Commissioners.

Mike Beel yielded his time to Mike Gerber for rebuttal purposes.

Kevin Patrick - with the firm of Patrick and Stowell - they are representing Aspen Equestrian Estates LOC, the contract purchaser of Pershanna. The direction he wanted the Board to focus was on-site ISDS systems or centralized treatment. For a water quality standpoint, he said that all one has to do is drive up Hwy. 82 and notice the level of ground water in Blue Lake Pond. This is the Roaring Fork. The area is unsuitable for ISDS systems. It will not provide the level of treatment that systems need.

He added that if this Board denies this service plan it will cause one or the other two and will trigger additional ISDS or the proliferation of plants. Pershanna has received conditional approval upon centralized treatment and their is not centralized treatment available. He said this is in the best interest to have a special district and to administer and a system administered on water quality as opposed to cost. He encouraged approval of the proposed service plan.

Herb Klein - Aspen Equestrian Estates the purchaser of the Pershanna Farms -- addressed a couple of practical issues they have. Their PUD approval has a condition requiring centralized sewer service. This was a condition imposed by the Board and makes sense from an environmental point of view. He mentioned they have been before this Board requesting extensions and have been working with the District to formulate a mechanism to have that service provided. He asked for a decision today - this has been going on for a long time and the Board gave them until October to satisfy the condition; therefore if this Board decides to turn down this plan, it will frustrate their ability to satisfy the condition imposed by the Commissioners. They need to know soon and delays will inhibit them.

Doug Pratt - Land Use Planner - Land Studio read into the record a letter that examines two cases. This was submitted as an Exhibit.

Dennis Cerise - provided handouts and a letter from his wife that he read into the record. His focus was on the 300 acres of land that has been ranched in the County. They all have been lifelong residents. However, the increased demand for housing and growth in this area warrants

consideration of this Board to approve the proposed service plan. This will provide flexibility of options.

Tom Bailey - Mr. Epson acting for Tom Bailey said briefly that he was relaying on Exhibit AB previously submitted into the record. He said they feel the Planning and Zoning comments are very germane and should be listened to here -- they are the ones that do not have a financial ax to grind. In his view and encouraged it to be the Board's as well, they have the most creditability in this process.

Bob Cook - yielded to Dr. Gerber.

Dee Blue - property owner - said they changed mind however as of today they still have not been notified that they were included in the service area. She was surprised and pleased that they were taken into the service area.

Tamera Purett - yielded time to Dr. Gerber

Charlie Caldwell -yielded time to Dr. Gerber.

Patty Tucker - yielded time to Dr. Gerber

Martha Dennison - yielded time to Dr. Gerber

John Hyatt - Carbondale Town Manager - said he made comments at P & Z. We in Carbondale completed a waste water treatment plan and will service growth in and around Carbondale. They did identify in their Comp Plan urban growth boundaries. The Department of Health has indicated that the treatment standards to be experienced in the future will be more stringent such as ammonia and phosphorus. Carbondale's concern in the Mid Valley Metropolitan Sanitation District is the location of framework. Carbondale carefully planned not to have a negative on others; this proposed service area is too close to Carbondale's plant and it may affect Carbondale. Therefore, a large regional plant close to them is a concern and asked the Board of County Commissioners to consider this.

Harlan Fedder - Resident of Glenwood Springs for 15 years. His concern is that this is not focused so much on water quality but growth. He added that this proposed plan violates a credible buffer zones between Glenwood Springs and Carbondale. He asked the Commissioners to consider that this will drive growth and asked that it be denied.

Ann Freeman - a member of the Basalt Board of Trustees and here with Jackie Whitsit another member of Board of Trustees; and I would like to read into the record a Resolution passed by the Board of Trustees unanimously in June recommending that the district expansion not be approved.

Chairman Martin - go right ahead.

Ann Freeman - Whereas the Town of Basalt is in the process of adopting its new Master Plan;

Whereas the Town of Basalt has previously adopted a Three-mile Plan;

Whereas, throughout both of these planning efforts the Town of Basalt has analyzed the impacts from the extension of urban services on historic growth patterns;

Whereas, without question it is the extension of urban services and the approving of urban and suburban development without regard for the logical extension of existing urban infrastructure that has contributed to the sprawl development pattern in the valley;

Whereas, in an effort to address these concerns the Town of Basalt has identified an Urban Growth Boundary to the extension of urban services and urban density and land uses and both the adopted and proposed master plans;

Whereas, our analysis in association with the preparation of the new Master Plan concludes that there are existing development approvals and sufficient land designated on a future land use mapping within the proposed Urban Growth Boundary to double the population in the urban growth boundary. The Town's Urban Growth Boundary comprises lands currently located within service boundaries for existing special districts. Town boundaries and existing private service providers.

Whereas, the proposed Master Plan has the Infrastructure/Utilities Goal, "Public investment in infrastructure should be done in a cost effective way based on the community's desire to provide all reasonable necessary facilities and services. In part, this goal should be achieved through compact and efficient development patterns and effective phasing. Infrastructure improvements and expansion should serve the Town's grown, land use and environmental goals not vice versa."

Whereas, the Mid-Valley Metropolitan District's Amended Service Plan erodes the Urban Growth Boundary's intent by the premature extension of urban services which will ultimately create development patterns that are inconsistent with the Town's planning efforts; and

Whereas, Eagle County is the approval agency for the Mid-Valley Metropolitan District's Amended Service Plan and they have not been given the opportunity to process an application with conditions or denial;

Therefore, be it resolved, that the Board of Trustees of Basalt, Colorado find that the proposed amended service plan will cause urban services to be extended prematurely; will cause inappropriate development patterns in Basalt's Three-mile area; and continue the problems associated of uncontrolled growth in the valley; and is inconsistent with the adopted Three Mile Plan and the proposed Master Plan.

And I'd like to add a couple of comments on -- one is that we believe you all have to look at the impact of the original establishment of the Mid-Valley District to see that sewer expansion does drive growth.

Without Mid-Valley there would be no Willows, and/or much of the other growth in our area which we now see as quite damaging. I'd also like to add that we're not necessarily in favor of the proliferation of

ISDS's but that there are other techniques of dealing with them and that there can be consolidation without expansion. And finally, I'd add that the affordable housing issue seems to me to be a red-herring -- the Pershanna type development is not affordable housing and more over without the development that this expansion would allow there would be much less need for affordable housing. We're very much in favor of affordable housing but we would like to see it in the towns within urban growth boundaries where there is transportation and other facilities are already available. Thank you.

Mark Chain - Planning Dept. of Carbondale - Basalt's Resolution makes a lot of sense. Carbondale Master Plan addresses urban growth and states that it should be in, around and adjacent to municipalities. The main reason for up-zoning in the County is because the services are available. Therefore, the approval of Mid Valley Sanitation District should be decided carefully. Carbondale does not approve of this district.

Bob Schultz - for the Roaring Crystal Alliance addressed water quality saying it was a primary importance. Affordable Housing Policies have been worked that will make a difference; members the RCA are working on the Water Quality 208 Plan; and very involved in conservancy easements on the Rose Ranch and before long the Board will see this on the Coryell Ranch to give us them the ability to manage the Riparian zones. He said he didn't want the Board to confuse the ends and means -- the ends is water quality and the Mid Valley District has convinced themselves that expansion is the only way. He encouraged the Commissioners to enforce the Garfield County Comp Plan. An agreement should be reached saying that the end of the line was with Carbondale Sewer System -- we all know what will happen if the sewer expansion goes in at Mid Valley -- it's a solution in search of a problem. The Statutes give this Board of County Commissioners the power and right to determine Water and Sewer Service and land decisions. The Statutes justify that this Board MUST disapprove the expansion unless the applicant proves there is a need and that the existing services cannot provide service. This plan is not in accordance with land use; this area is off limits for density. Land is valuable when it can be less dense.

Ted Guy - mentioned that the Waldorf School is at least a smart model where the Board allowed development. Yet, the Board of Commissioners required a stringent water program and Waldorf School provided smart technology. He asked that the Board set standards and require people to meet them; allow the developers to use creative technologies.

Calvin Lee - Roaring Fork Crystal Alliance - what is needed today and the future is a shift in vision. Pitkin County is creeping our way; growth is in Basalt and coming to El Jebel both in commerce and industry and if we do approve this Mid Valley Sanitation District service plan we are encouraging the same here in Garfield County. We do not want that to happen. Urban areas should be 1 unit for 10 acres. Property rights are protected but there is no constitutional guarantee they can make the most profit when they sell their land or develop it. He referenced Spring Valley's scale down in size and Rose Ranch's Affordable Housing aspect saying they didn't contest but cooperated and came up with a creativity to meet the requirements. A developer can benefit the County -- no one is being deprived. Another assumption made is that central sewer is all bad. Bob Schultz used the demonstrated from Waldorf School that there are methods. Mid Valley District will try to convince you there is not. The reality of life is that if Pershanna cannot develop or locate a source of technology to do ISDS for the land then this is one property that may not be able to develop and they may have to sell it to someone who wants a big farm. Pollution of traffic, crime, run-offs into the water will pollute the rivers, Social Services will be severely impacted and the new proposed jail that will be full before it opens. His experience on the P & Z Board is that you vote your gut - it comes down to your philosophy. Calvin reiterated that the utmost goal would be water quality. Sewer districts are having to comply with the new State Health standards. We do not need these densities.

Jim Goth - since 1979 he's been a resident near Carbondale and he contests the service plan. He believes it is a land use decision and it will drive the growth. He said that the Board should make land use decision first. His concern is that we are seeing the loss of values to make this a great place to live and referenced the loss of open space; the impacts on Social Services and educational services and added that this small valley was becoming a suburb of Denver. Many do not want this -- this valley does not stand to benefit from growth. He asked that the Board oppose the proposal of the Mid Valley Sanitation District.

Pat Mulligan yielded time to Bob Schultz.

Edward Pierce a homeowner at Ranch at Roaring Fork and yielded time to Mike Gerber.

Ron Liston - said he has represented historically known as Pershanna and St. Finnbar for a number of years and have been working for consolidation of waste water services in this area. ISDS systems from a consumptive use standpoint will be 15% ranging up to 100%; centralized systems have a consumptive use of only 3% to 5% so this is a technical factor to throw in to that stack of information as the Commissioners weigh the pros and cons. From his perspective and speaking for St. Finnbar property owners, and wanted

to point out that they favor joining with the Mid Valley concept particularly after the many years of working in this effort of consolidation and trying to work with Homeowner's Associations. They have learned the hard way that even when working with good intentions that type of structure does not yield the type of representation that an elected board guided by State Statutes on how they operate. If this service plan is approved he asked that the line be drawn at Catherine's store. From St. Finnbar is to be with the Mid Valley Metro District under an entity that they can rely upon for the future that has equal representation of the people within the district and the funds to deal with the changing issues regarding water quality. medium density for the comp plan and does not ask for increased densities. Ron said he strongly encouraged the Board to follow the direction of better water quality in this area and approve of this service plan before them today.

Shep Harris was sworn in by Chairman Martin. He said that he lives across the river from Alpine Animal Hospital. His son and a friend were down by the river looking for a place for a fort when they saw green ooze in a pipe that overflowed to a system pipe at Blue Lake. They haven't been there since. They won't go back to the River.

Mark Bean pointed out in the comments heard today referenced the Comp Plan densities. The Planning Commission's recommendation did not get into the financial capability to serve which is one of the criteria's that the Board is supposed to review here. Originally staff had noted that and still had a question on that. After further discussions and assume that this plan is predicated upon the Comprehensive Plan Densities as having identified in having 460 EQR's, if the Board looks at those numbers, included within those numbers is going to be 147 units from the Ranch at Roaring Fork; 50 from the additional Ranch at Roaring Fork and 80 for Pershanna Farms. For the sake of discussion, if we just take the Ranch at Roaring Fork presently saying they do not want to be included in the district or served by the district, then all of the sudden the numbers change significantly. The numbers presented to the Board in terms of the feasibility and ability to serve comp plan densities are based on 461 Units. All services have been provided to be served to the Ranch at Roaring Fork at no costs. Now the EQR costs will change to the outlined areas substantially. The plan as originally submitted was based on substantially higher densities and there are some arguments that it is feasible to serve but if go with the Comp Plan densities as currently in place, the question is -- would it be feasible to serve and would the developers that own the property want to participate and become a part of the service plan or district.

Also Mark noted that at the Carbondale meeting he attended where the discussion was presented as to whether or not they would like to extend their sewer service up to the Ranch at Roaring Fork, it was pointed out that the Pershanna and St. Finnbar properties would be interested or willing to go with the individuals or the entity that could provide them the service. This option is still there. The attached conditions for Pershanna and St. Finnbar include the participation within the sewer service they are participating in whether it be that they become members of the homeowners association or whatever entity -- this is still the approach and the suggested conditions attached to those approvals.

Mark added Exhibit AI - a letter from Jim and Vanessa Bevel expressing their adamant opposition to the proposed expansion plans of the Mid Valley Sanitation District.

Lee Leavenworth summarized that this was not about urban growth boundaries at all. The Comp Plan identifies a certain level of development. If the Ranch does not want to be included, then a smaller plant would be the result and it would be less in cost for the EQR's. He argued that it is less than for an individual system. In this amended sewer plan, they are proposing to provide central water and sewer to what the Board has already decided is appropriate for those areas. He said he thinks it's an insult to suggest that the County doesn't have in place the land use processes and procedures necessary to promote and protect the Comp Plan that has been approved. Having said that he stated this comes down to a water quality issue.

Questions were presented by the Board to Dr. Gerber - President of the Ranch at Roaring Fork Homeowner's Association.

In reply, Dr. Gerber stated that the Ranch did have ample property to expand their current system to provide service to the Pershanna Farms and St. Finnbar; he reiterated that their request to expand was being held up at the State Department of Health with the submittal of this Mid Valley Sanitation District Service Plan; that the Ranch wanted to move forward and was willing to provide service to these subdivisions if the State approved their expansion.



Don DeFord provide procedural advice to the Commissioners saying that the statutory requirements allowed them three choices: approve without conditions; approve by resolution; or disapprove. If the Board chooses to disapprove they must state in detail their reasons for the denial. Conditional approval and conditions they impose if they approve the plan or whatever decision must be submitted within 20 days to the applicant. Therefore, if the Board is ready to move forward he would need a motion and direction to staff to prepare documents. If not ready to proceed the Board will need to set a continued date to render the decision but allow sufficient time for staff to prepare documents still staying with that 20 day limit.

A motion was made by Commissioner Stowe to close the Public Hearing. Commissioner McCown seconded; motion carried.

The Board determined that there were ready to move forward.

### ***Comments and Motion***

Commissioner Stowe said that everything we've heard today and added that he does not favor ISDS systems in any way, shape or form. We see the visible pollution everyday up and down our Roaring Fork Valley, encroachment not only in our area but along the Colorado River basin and there are places you can see visually, much more in the city as to the pollution is the pollution of our underground aquifers and the rivers above those aquifers. He is in strong support of any type of a centralized sewer type system, also believing that a centralized system can help provide, mitigate, and monitor point source pollution's. In this particular case however, with the fact that Basalt has come out against the expansion of the District; Carbondale is against the expansion of the District; the fact that we have the opportunity through the Ranch at Roaring Fork to provide the necessary treatment facility for Pershanna Farms and St. Finnbarr and that we can look at preserving our -- Comp Plan and preserving that density and making sure that the density does not increase over the years, he said he was looking at denial of this on the basis of what Mark Bean has stated - 462 units and if we reduce that by the Ranch at Roaring Fork, you take densities at 235 EQR's and he said he would question whether or not that it is an economic or feasible number. He would liked to have seen this project out. He added that he realizes from what Louis Meyer was saying that the plant could be smaller but you still have the same infrastructure and you need to bill. So it doesn't necessarily reduce just because you reduce the plant size. If the Ranch at Roaring Fork were not willing to provide the necessary taps for Pershanna and St. Finnbarr then he would strongly support the expansion of the Metropolitan District. So that's where he was coming from on this point and would make a motion that we deny the application based on economic feasibility and support the recommendation of Planning Commission.

Commissioner McCown seconded.

Commissioner McCown commented that it bothers him and again he echoed Walt's sentiments on ISDS systems and the service of central entities of waste water and water -- these are truly the factors that are going to be determining what happens - not the Comp Plan -- not the three Commissioners that are sitting beside this table tonight, he said he does personally resent accusations made by those people who testified today that Garfield County's Comprehensive Plan is running a muck. We do have a Plan in effect; we do follow that Plan - you can ask any developer that has been through the system how easy it is to modify or exempt that Plan. There is a Plan in force. He said doesn't see utilities driving development. Think back to REA - you still have farms before you had lights; he said he doesn't see the availability of potable water and the availability of an approved waste water treatment system as driving development. He said he thinks is providing a service to development that is number one either already been approved or is already in existence. So he said he does resent the fact that there has been accusations of a mockery made of the Comprehensive Plan. He thinks that given the willingness indicated today of Ranch at Roaring Fork, that Pershanna and St. Finnbarr can be served by this entity once the approval is done by the State. It would greatly affect the economic feasibility of this project and greatly diminish the need for the service. So, that's why I second the motion.

Chairman Martin said his feeling is that the State of Colorado has deferred this decision to this Board on making that decision. That is that we are going to demand that more of our service districts must work together and show initiative to eliminate pollution points within our districts within our planning; try to consolidate or make it better for the citizens that are here now as well as those that will come-- they will come because we have a very nice place to come to. Let's keep it that way -- let's work together and when it's time to go ahead and expand we will expand - he didn't think it was time now because he doesn't see

the need and doesn't see this as the driving force. He sees the driving force as cooperation with what is already in place.

Don DeFord asked if the motion includes direction to staff to prepare written documents specifying the decision of the Board?

Commissioner Stowe - yes it does

Vote on the Motion - McCown - aye, Martin - aye; and Stowe - aye.

***JasCOM- Conference***

Chairman Martin requested to cancel this today at 12:30 P.M. and reschedule for Monday at July 12, 1999.

Affordable Housing

Victoria Giannola requested the Board set a definite time frame to evaluate the guidelines.

A date was set for August 2 at 4:00 P.M.

***Notice to Proceed Various Road Projects on CR 320 and CR 327***

This was scheduled to be discussed on Monday, July 12, 1999.

***Status for Contract Procurement Officer***

Ed said they interviewed two candidates and the evaluation panel was not thrilled with either. There are two others with their applications in and Ed will schedule a telephone interview with them sometime this week. He said there were close to having a candidate that can meet the needs.

***Motion to adjourn***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to adjourn; carried

Attest:

Chairman Martin

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**JULY 12, 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The Continued meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 12, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**ADMINISTRATOR'S UPDATE**

Ed Green gave his report that consisted of the following:

1 Meeting with FAA - Ken Maenpa      Ed mentioned that on Friday Ken and he would be going to Denver to meet with head of the Northwest Region for FAA -- Allen Wiechmann, Denver ADO Manager. Allen and some of his key staff and Greg Isbill, principal from Isbill Engineering will all get together and talk about the best approach for physically improving the Airport given the latest report from Greg Isbill's study regarding cost and upgrades. Ed said that their intent would be to understand what the FAA's concerns and interests are as it relates to those Airport upgrades. From that he plans to develop a mutual strategy that will be the most cost effective approach for the County and FAA. An update will be provided next Monday.

Land Lease - concept regarding Tap Fees Airport Manager Ken Maenpa has had more discussions with the Rifle Fire District and has been asked to offer another approach to this tap fee issue. The proposal consists of the County lend them the \$32,000 in tap fee credits until such time as the County builds and needs the tap fees for their own purposes. Then they will pay back the tap fees at that time -- this would be three to four years. This concept would allow the County to immediately leverage that benefit received from the City of Rifle and it also allows the Fire District to adjust their current cash flow concerns. Ed said that if the Board wants to proceed with this concept then Don, Ken and he will sit down and work out the appropriate language to ensure that the County's credits are protected.

The Board did not have any problem and directed staff to proceed with an agreement.

**Snow Blower for Airport**

Ken Maenpa said the current snow plowing equipment is inadequate. He provided the Board with a handout on a RAH-3000A Airport Rotary Snow Remover saying the cost of a new piece of equipment like this would cost \$150,000; Ken has found a used one available-- a 1975 model formerly used at the Stapleton Airport in Denver. The cost is \$20,000. Ken said he knew

It's a 1975 the history and maintenance of this equipment. There are a few problems -- it is a hydrostatic, single engine equipment and needs to be kept inside. \$5,000 down and pay for the balance after the 1st of the year, this could be stored in the new building. He also noted that looking at the equipment we have now, it has good potential.

On Tuesday an evaluation to add a new blade and a hitch on the current truck was estimated at about \$15-\$18,000.

The Board was in agreement to commit the \$5,000 for the down payment toward the purchase.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the \$5,000 for the down payment retainer for the snow blowing equipment (Snowblast) with the future anticipated possibility of getting it after the first of the year, making sure that it is budgeted for \$20,000; carried.

***Steel Structure Award for Riding Arena***

Bob Szrot and Bill Schroeder have been working on the bid and Bill submitted a packet. There were a number of responsible bidders. Eagle Span Steel Structures, Inc. was the lowest bidder. Eagle Span

submitted a list of equipment and pricing. Bill met with them, toured the facility and fabrication shop and saw nothing that would change Bob or Bill's mind about awarding the contract to them. They also visited two buildings in construction. Instead of punching the holes they mill them. Diligence is being considered to ensure that it is top quality.

The packet contains a purchasing order and a copy of a fax Bill sent to Bob Szrot listing some ideas and findings; a spreadsheet with a comparison of the dollars between the Eagle Span and G & R out of Grand Junction. Photographs which came from the Loveland Plant showing the building. And a schedule that Bill put together showing the progress. As he sees it today, he is concerned that there are items they have control over -- one is with the building inspector from Rifle. There is meeting today with the building inspector and dealing with individual building departments it is difficult to tell them what to do. The schedule is a best guess time-frame.

The total dollar purchase price is \$249,193.00.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to proceed with the award to Eagle Span Steel Structures, Inc. for the Garfield County Rifle Arena Pre-Engineered Building for \$249,193.00; carried.

### ***ECDC Proposal for Inter model Loading Facility***

Mark Bean, Ed Green and Don DeFord met with ECDC - they would like to establish a load facility for use to haul construction demolition materials out of the upper valley area. The facility would be in Basalt and it would involve packing 80 cu yd trailers with the material and then moving them to the old Mid-Continent facility where they'd be placed on train cars and shipped out. They would like to begin the operation in the operation in the fall and are interested in working out the details. ECDC has purchased Construction Waste Services which owns the installation in Basalt. They want to build the transfer station. Key concerns: weight of vehicles as they are moving down the County Road - about 12 trips per day. ECDC has expressed paying a franchise fee to pay for the impact on the road structures. It has been characterized as a review is necessary for the load-out facility which would require a text amendment to the use description. Ed has been asked to determine if the Board has an objection to this.

Mark added that they are working their way around with Basalt and other jurisdictions.

The Board suggested to discuss this further with RFRHA since it involves crossing the rail corridor.

Commissioner McCown suggested having input from the other entities prior to taking a position on this issue.

Chairman Martin mentioned a contract needed to be in place with the railroad.

Mark said they are counting on the Peter Dearness group having success in negotiating with RFRHA.

This is an area from land use that has been identified as being appropriate for industrial types of uses -- particularly those with a need for rail access.

### ***CTL Thompson Soils Report***

Ed presented the soils report from CTL Thompson on the future jail site at the UPL property. He explained the report saying there were no surprises.

### ***72 Hour Emergency Kit on Internet***

Guy mentioned the 72 family emergency kit has been prepared.

## **ATTORNEY'S UPDATE**

Don DeFord gave his report that consisted of the following:

### ***Mid-Valley Metropolitan District - Discussion***

Don received a letter from the attorney's from Mid Valley Sanitation District. This letter asks that the Board defer a decision on the Resolution and waives the 20 day time frame. It seems to be saying that they want to come with more information on the Pershanna and St. Finnbarr and justify the request for a amendment.

Don informed the Commissioners that the Public Hearing was closed; he said they could reconsider the decision if they so desired.

Commissioner Martin asked if the Commissioners wanted to reconsider or reopen the meeting.

A poll of the Commissioners indicated they did not wish to reconsider or reopen. The question of a time frame for re-supplemental was asked.

Don DeFord stated that there was no time frame.

Mark mentioned the language out of the statutory mentioning a "lack of satisfactory evidence" is what the attorney referenced.

#### ***Mid Valley Metropolitan District - Resolution***

Mark Bean presented a draft Resolution concerned with the denial of the amended service plan for waste water and water utility systems for the Mid Valley Metropolitan District, Garfield County, Colorado for discussion.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Resolution for denial of the Mid-Valley Metropolitan Sanitation District Service Plan; carried.

#### ***Jail - Medical Services - Memorandum***

The letter on July 8, 1999 was referenced.

Don DeFord explained the outstanding debts were due to the entities contracted by PCMT. Drug Store, Hospital of about \$18,000; Dr. Eicher and quite a number of others.

The legal position is this -- there is a bankruptcy filed and were under the provisions legally provided by a petition.

Don explained that the entities entered into an agreement with a private vendor. He inquired as to the position of the Board

Dan Hall stated that the Sheriff would like to have the Board approve his memorandum.

Commissioner McCown did not want to set a precedent. If Dr. Eicher is an exception then we are showing favoritism and placing the County in a position for future problems concerning vendors and bankruptcy petitions. He commented that Dr. Eicher had to normal process regarding bankruptcy allowed by the Courts.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown honor the bankruptcy absent the repayment of Dr. Eicher; carried.

#### ***Executive Session - Land Acquisition - County Road 109 and RFRHA***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

#### **SCHEDULED WORK SESSIONS**

##### **RIFLE CITY COUNCIL: CONSIDERATION & APPROVAL OF PRE-ANNEXATION AGREEMENT**

Members from Rifle City Council -- Dave Ling, Mayor Pro-tem; Shelby Myers, Lee Leavenworth, Attorney for the City of Rifle, Ken Maenpa, Carolyn Dalghren and Bob Howard Property Owner were present.

A letter dated July 8, 1999 was referenced regarding ALP-County Pre-Annexation Agreement. First, the City reads the Agreement to require City inspection of water taps prior to connection as set forth in Title 10 of the Rifle Municipal Code ("RMC") Section 10.04.250.

Second, although there is no express provision in the Agreement, the City of Rifle interprets it such that the City is to receive, in a timely manner, a copy of all building permits and certificates of occupancy that are issued.

Lee Leavenworth made a presentation regarding the present status of the Pre-Annexation Agreement. A clarification was made to add a map as to the navigational agreements working with Carolyn Dalghren and the Airport Manager Ken Maenpa. The map was explained. Elevations are limited to 150 feet. Lee stated that there is no problem with them and the terms of the navigational agreement are fine with them. City Council did approve the pre-annexation and submitted to the Board.

Lee Leavenworth mentioned that Schmueser Gordon Meyer will be authorized to start immediately.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Pre-Annexation Agreement with Bob Howard and the City of Rifle; carried.

Commissioner McCown thanked Bob Howard and the City of Rifle for putting this agreement together.

Bob Howard said this is a great example of private/public negotiations and it is overall a good compromise with the jail in Glenwood and the property purchase in Rifle for future County development.

Dave Ling commented that he also agreed it was a good deal and complimented the Commissioners for keeping a good focus on what was best for the County.

#### ***WAMPA for License Agreements***

Don explained the WAMPA Agreement.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the WAMPA agreement; carried.

#### ***Associated Governments Report***

Commissioner McCown attended the meeting and Mesa Commissioner Kathy Hall asked for an update on the status and record of CR 256 - Baxter Pass.

#### ***Packet on Committee to Study Deregulation on Electricity.***

Commissioner McCown mentioned that this could affect Garfield County Rural Electricity.

#### ***BLM Inventory***

Commissioner McCown mentioned there was concern over any lands currently bearing oil and gas not considered wilderness areas.

#### ***Executive Session - Litigation with RFRHA***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

#### **DISCUSSION: INCREASING SCHOOL ACQUISITION FEES TO DEVELOPERS**

Mark Bean, Don DeFord and Ed Green were present.

Mark presented the existing language in the current regulations -- 30-128-133(4) -- the statute controlling school and park site dedication in County Subdivision Regulations. This language does require the acceptance of documentation that would require the County Commissioners to accept the proposed methodology and multiplies in their proposed language.

Mark indicated that the Carbondale Fire District has generated a rational nexus for the dollar amount included as a fee assessment from subdivision developments.

A motion was made by Commissioner Stowe to take this to the appropriate committees for recommendation to the Board. Commissioner McCown seconded; carried.

#### **VACATION OF COUNTY ROAD 314**

Don DeFord and Ed Green were present.

A draft Resolution was presented that requested the Board authorize signature of the Chair to vacate portions of the public road right-of-way otherwise known as portions of County Road 314.

Don explained that this was a portion of the dedicated public road right-of-way and lies within the property of the requesting party owned by Gene Wright known as West Valley Ranch.

Two letters - Division of Wildlife (DOW) and Mr. Kraybacker. DOW commented in terms of access. No notification or petitions were issued as the property involves only private land.

King Lloyd encourages vacation of this part of the property.

Commissioner McCown inquired as if there is a problem in turning around on private land.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to execute the Resolution for the abandonment of CR 314 as described by Don DeFord; Commissioner McCown seconded the motion. Commissioner McCown commented that he was cautious to abandon any of these public right-of-ways or roads that might access public property; however the letter from the Division of Wildlife would indicate that it is not access and that's is his only reason for supporting it. Chairman Martin added that he would have the same opinion.

Motion carried.

#### **CONSIDERATION AND APPROVAL OF BALLOT TITLE FOR LIBRARY DISTRICT**

Don DeFord, Mildred Alsdorf, Jaci Sphuler and Darlene Merrit were present.

A proposed Resolution submitting to the registered electors of Garfield County at the General Election to be held November 2, 1999, the question of approval of a property tax funding and establishing the Garfield County Library District as set forth in Resolution 99-048 was submitted for discussion. This would consist of a 3 mill property tax levy if approved by the electorate of Garfield County.

Jaci Sphuler reviewed the Ballot question and was pleased.

The County is incurring the cost of approximately \$10,000 to place this on the Ballot.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Resolution as presented; carried.

#### **CONSENT AGENDA:**

- A. APPROVE RESOLUTION DESIGNATING CHIMES INVESTMENT CLUB PROPERTY A/  
ZONING TO LAND DE-ANNEXED FROM GLENWOOD SPRINGS

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Resolution as presented; carried.

- B. APPROVE PROPOSED AMENDMENT TO THE ANNALEE KIRKHAM EXEMPTION  
PLAT

Mark explained that this was a boundary line adjustment and from a staff position there was no problem.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the exemption plat amendment to the Annalee Kirkham exemption; carried.

- C. APPROVE WOODLAND MANAGEMENT CONSULTANTS AS THE CONSULTANT FOR  
THE COUNTY FOR THE TEEPEE PARK FOREST MANAGEMENT PLAN  
MONITORING

Mark Bean submitted a Memorandum explaining that Resolution No. 97-70 required the owners of the Teepee Park property to pay for a consultant to monitor the owner's compliance with the Teepee Park Forest Management Plan. The resume of Bill Gheradi, Woodland Management Consultants has been provided by the present owners of the individual to perform the monitoring.

Woodland Management Consultants is a forestry consulting firm which provides the forest land owner the management services for profitable activities. The approach taken considers the economics of any management entry for short and long term gain. The conclusions and recommendations are directed at providing a profit to the landowner.

Mark added that this was to protect the County.

#### ***Recommendation:***

Approval of Bill Gheradi, Woodland Management Consultants as the consultant to the county for the Teepee Park Management plan monitoring.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve of the Woodland Management Consultants for the Teepee Park Forest Management plan; carried.

***Assistant County Engineer for the County***

Ed said that Randy Wikke from Rifle has been hired as Assistant County Engineer for the County.

***Fairgrounds Agreements - Quarterhorse All Breed Show and Rifle Rangler***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the two contracts for the Quarterhorse Show and the Rifle Ranglers; carried.

***Carbondale Historical Museum***

Chairman Martin mentioned the amount of funds available in the Conservation Trust is a total of \$430,000; there is \$269,000 pledged leaving around \$70,000. \$127,000 is projected to be available for the year 2000.

Commissioner McCown made a motion to pledge \$1,000 for the Carbondale Historical Museum and Commissioner Stowe seconded; carried.

**BUILDING AND PLANNING ISSUES - PUBLIC MEETINGS:**

**REQUEST TO AMEND THE PLAT FOR RIFLE VILLAGE SOUTH. LOCATED: LOTS 26 & 27, BLOCK 6, RIFLE VILLAGE SOUTH SUBDIVISION. APPLICANT: ANTHONY BARAN**

Don DeFord, Kit Lyon and Tony Baran were present.

Don determined that adequate posting and notification was in order for this public meeting and advised the Commissioners they were entitled to proceed.

Kit stated that this was an amendment of the Rifle Village South Final Plat for Anthony Baran for lots 26 & 27 near the City of Rifle.

Kit explained that on May 19, 1997 the Commissioners granted conditional approval of a special use permit to allow placements of a two family dwelling unit in the floodplain on these lots. One of the conditions of approval was that an amended final plat dissolving the lot line between the two lots be submitted. The plat was to contain the following note: "The minimum defensible space distance for structures shall be thirty (30) feet on level sites. Also referenced was the *Wildfire Safety Zone Guidelines for Rural Homeowners*. The amended final plat must receive approval before a building permit will be issued for the duplex. A letter dated 5/20/97 from Eric McCafferty, then Building and Planning Senior Planner was included in the staff comments and project information.

Kit stated that it has been explained to the applicant that once the lot line is dissolved and the duplex is constructed, the structure shall not be sold as separate interests. The duplex can only be owned by one entity. Leasehold interest in one or both units is allowed. A plat note to this effect should be included on the plat.

***Recommendation***

Staff recommends APPROVAL of the amended plat, with the following conditions of approval:

*In order to protect the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County:* 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.

*Pursuant to Section 6:00 of the 1984 Garfield County Subdivision Regulations:* That the amended final plat shall be signed and dated by the County Surveyor, then signed and dated by the Chairman of the Board and recorded with the Clerk and Recorder's Office of Garfield County within ninety (90) days;

*In order to protect the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County:* That the following plat notes shall be included on the final plat:

The minimum defensible space distance for structures shall be thirty (3) 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 Dimension, Wildfire Safety Zone 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 purpose of this amended plat is to vacate the lot line between lots 26 & 27, Block 6, Rifle Village South.

The duplex structure can not be sold as separate interests. The duplex can only be owned by one entity. Leasehold-interest in one or both units is allowed.

Tony Baran asked why the duplex can't be sold as separate units.

Kit said by dissolving the lot lines you cannot sell it as two separate units.

Mark further explained that the area does not allow for zero lot lines.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for an amendment of the Rifle Village South Final Plat for Anthony Baran for Lots 26 & 27 for an amended final plat dissolving the lot line between the two lots with the 3 recommendations by staff; carried.

### ***Housing Authority - Subcommittee on Guidelines***

Victoria Giannola said that Tom Beard was still very busy due to the fire in Battlement Mesa and would not be prepared for the discussion as planned. September 7 at 4:00 P.M. was set.

### **SIGN PROPOSED AMENDMENT TO SECTION 6:00 AMENDED AND CORRECTED PLATS GARFIELD COUNTY SUBDIVISION REGULATIONS**

Mark Bean issued a Memorandum stating this is a proposed amendment to Section 6:00, Amended and Corrected Plats, of the Garfield County Subdivision Regulations. Karla Mobley has proposed this language in response to her concerns about the existing process not providing neighbors the opportunity have input into the amended plat process. this was an issue that came up during the proposed amendments to the Peach Valley Orchards subdivision plat presented to the Board via David Hicks.

Mark further explained that the Board may want to consider adding this language along with some changes needed in other sections of the resolution. We need to amend Section 9:00 to include the standard language for fireplaces, dogs, lighting, etc. Additionally, we should amend the language in the School Site dedication section to be consistent with the current statutory language.

6:00 AMENDED AND CORRECTED PLATS - As authorized by C. R. S. Section 30-28-122(a)

6:10 An amendment may be made to a recorded plat, if such amendment corrects minor surveying errors, drafting errors and other minor changes, and if such amendment does not increase the number of approved lots, represent a major increase or decrease in approved lot size, represent a major relocation of a previously platted road or create new roads. The amended plat shall be submitted with a narrative explanation of the reason for the application and the written consent of all landowners involved to the Garfield County Planning Department for review and comparison with the previously recorded plat.

6:20 Board of County Commissioners' Public Meeting

6:21 The Board of County Commissioners shall hold an advertised Public Meeting for review and decision on the proposed Amended Plat within sixty (60) days of submittal. Notice of the public meeting shall be published one (1) time in a newspaper of general circulation in that part of Garfield County in which the proposed amendment is located. The publication notice shall appear at least fifteen (15) and not more than thirty (30) days prior to the meeting date, and shall include the name of the applicants, location and description of the proposed amended plat, and the time and place of the meeting. Similar notice shall be mailed by certified mail, return receipt requested to all owners of record of land immediately adjoining and with five hundred (500) feet of the subject property. The amended plat located shall be posted clearly and be conspicuously visible from any public right-of-way adjoining the location, with notice signs provided by the Planning Department. All notices shall be mailed at least fifteen (15) and not more than thirty (30) days prior to the meeting. The applicant shall be solely responsible for the publication, posting and mailing of all notices and shall present proof of publication and mailing at the meeting.

6:30 Amended Final Plat Requirements

6:31 If approved, a plat titled "Amended Final Plat" shall be signed and dated by the County Surveyor, then signed and dated by the Chairman of the Board and recorded in the Clerk and Recorder's Office of Garfield County within ninety (90) days. The Amended Final Plat shall meet the minimum CRS standards for land survey plats as required by Colorado state law, and approved by the County Surveyor and shall include at least the information as outlined in Section 5.22 of the Subdivision Regulations of Garfield County, Colorado of 1984.

6:40 A correction may be made to an approved plat, if the sole purpose is to correct technical errors, and the correction is consistent with the approved Preliminary Plan. The corrected plat shall be submitted to the Planning Department with a comparison with the Preliminary Plan. Within thirty (30) days of submittal the corrected plat shall be brought before the Board of County Commissioners for review and decision. If approved, the plat shall be signed and recorded, as required of any Final Plat and noted in Section 5:10.

Mark suggested to consider these as a group under some zoning issue such as dogs, fireplaces, and build these in as supplementals.

Don stated the difference between a final plat and a final plan. There is no procedure to amend preliminary plans. This should be included to preliminary plans as well.

Commissioner McCown mentioned that he didn't want to create a bureaucratic nightmare.

Mark suggested an alternative would be to consider when more than one lot versus the Peach Valley Subdivision that

Don DeFord suggested said if they are doing a change that the Commissioners approved at a public hearing, i.e. a preliminary plan, then anything other than just a scribners error should require a public hearing to change it. It's a final plat issue which is to make sure that you've got everything and it conforms to the conditions of approval, then he didn't think they would need to go through a public hearing. To deal with existing subdivisions the Board might consider that while they didn't go through a preliminary plan because it is so old, there are people who've relied on those for a long period of time as being in place and so if someone wants to come in and present to this Board a final plat that is not consistent with what is recorded, make them do a preliminary plan.

Commissioner McCown said he would be comfortable with this.

Don DeFord said he would refer this to the Planning Commission and there is a provision needed to amend preliminary plans and specifically addressed to subdivisions now that were done prior to subdivision regulations.

There is also a request from the Planning Commission that lots remain the same in the subdivisions in the A/A/RD.

#### ***Action by the Board - Referral to the Planning Commission***

A motion was made by Commissioner McCown to refer the items discussed: Amendments to Section 6.0 - School Acquisition Fees; to the supplementary regulations dealing with dogs, lighting, fireplaces, right-to-farm, the weed requirement and defensible space.

Commissioner Stowe seconded the motion; carried.

#### ***West Rim Ledge - Final Plat***

Larry Green, Don DeFord and Victoria Giannola were present.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chairman to sign the Final Plat for the West Rim Ledge and direction for the Clerk & Recorder to hold this plat for recording until a letter of security and payment of school impact fees are paid; carried.

#### ***Executive Session - Personnel Matter***

Commissioner Stowe moved to go into an Executive Session. Commissioner McCown seconded; carried.

Commissioner McCown moved to come out of Executive Session. Commissioner Stowe seconded; carried.

#### **STRATEGIC COMMUNICATIONS COUNSELING - JasCOM - RFRHA**

Commissioner Stowe moved to go into an Executive Session. Commissioner McCown seconded; carried.

Commissioner McCown moved to come out of Executive Session. Commissioner Stowe seconded; carried.

Commissioner Stowe made a motion regarding the authorization of the Strategic Communication Plan bill which involves RFRHA litigation for \$3458.83 for JasCOM. Commissioner McCown seconded; carried.

***Kathy Greer for Gardner and Archuleta Matters***

Don asked direction as to how to deal with these matters - through the various departments that are applicable or out of his.

Don said on Gardner it's a final bill and it's slightly more than \$1900 and \$550 for Archuleta.

Gardner is resolved; Archuleta is ongoing.

Direction to Ed for JasCOM

The Board wanted Ed to proceed with data collection such as the breakdown of costs, DRCOG information, comparables, etc.

Commissioner Stowe suggested asking JasCOM for an approximate number for the costs.

The full board agreed.

**RECESS**

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to continue until Wednesday with the School Board at the RE-1 Administration Building, 14th & Grand downstairs; carried.

Attest:

Chairman of the Board

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**JULY 19, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 19, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**ADMINISTRATOR'S UPDATE**

Ed Green gave his report that included the following:

**ASMI NAVID Maintenance Contract**

Kenny Maenpa, Carolyn Dalghren and Ed Green reported on the ASMI NAVID contract. Ed said this is the Company that has installed the equipment at the ILS system at the Airport. As soon as that equipment is operational, a maintenance contract will need to be in place to ensure support continued.

Kenny presented the terms of the contract.

Kenny recommended the Board approve the contract. It is for one year at \$1100 per month. There is no change from last year in terms or amount.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the maintenance contract; carried.

**FAA Meeting**

Ed, Kenny, Carolyn and Bill Isbill attended the FAA meeting in Denver. The results of the Airport layout were presented plan and the data that demonstrated the current pressure on the Airport in terms of activity at the C & D level. There are roughly 700 flights per category

C & D airplanes out of Rifle last year. 500 is the threshold for the FAA as far as providing additional monetary support for an Airport. As a result of the presentation it was concluded that there needs to be further study as to the options as to the most cost effective alternative. The FAA was pleased that the County fostered the new AL Plan update. They want to take it one step further making it a mini-master plan and fund that part of it. The FAA asked them to provide the work scope for that plan and they will provide the funding in the Spring 2000.

Ed continued by reporting that the FAA asked the County to continue the Taxiway for the year 2000, however it may have to be held in abeyance after the results of that study become more evident. If the left side of the runway has to be lowered or adjust it, then the Taxiway need to wait. The FAA may leave the east side of the runway the way it is and just focusing on the west side as far as adjusting the percentage of incline.

The other big issue the FAA will consider is administrative controls. Those would allow the safety areas to be considered a part of the takeoff length - called declared distances.

**TFD Hangar Lease**

Ed said negotiations were held with Sam Houston. The location of the new hangar will be adjacent to the Pfiefer Hangar. A 30 year term lease was negotiated with two five year extensions. The County gets to present a punch list at each five year period. At the end of the 40 year term the County owes the facility. They will pay the appropriate sewer and water tap fees once the system is hooked into the City of Rifle utilities.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the lease; carried.

**Fair Lights**

Ed reported there were 9 lights out and the estimate didn't include any water damage that might be creating the problem.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the expenditure of up to \$4500 to get the 9 lights working; carried.

#### Rifle Lease

The Henry Building with 6000 sq. ft. is being considered at a lease rate of \$2,000 per month.

The Commissioners directed staff to proceed with a technical review.

#### Jail Facility Technical Review

Ed mentioned the staff was continuing with a technical review of the jail facility.

#### Employee Training Schedule

Phyllis Lundy presented a schedule of various employee training that included: work place violence, sexual harassment on the job, supervisory training, defensive driving, Myer Briggs personal assessment training; and new employee orientation.

#### Salary Survey Data-Update

Ed and Phyllis reported on the handout regarding the salary survey. A staff replacement cost was also provided.

The following recommendations were made by the Human Resource Department in connection with the results of the salary survey:

Adopt new salary ranges based on the Average Salary Survey Ranges;

Postpone pay for performance raises until all employees are in the proper place in the salary ranges;

Combine F & G salary ranges to become F/G;

Keep the percentages ranges within the salary ranges the same i.e. 25-28%;

Make adjustments for employees below the new ranges;

Reclassify positions that seem to be in the wrong grade;

Put employees in new ranges in appropriate places (i.e. 12.5%) of that when hiring people in we are not hiring at a higher rate than those already employed; and

Begin pay for performance after a good salary structure is in place.

#### Executive Session - Personnel Issue

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

A motion was made by Commissioner McCown to increase the salary to \$2583.00 per month for the Code Enforcement Officer. Commissioner Stowe seconded; motion carried.

#### Interagency Agreement - Fire Station

Don DeFord and Carolyn Dalghren presented a three part project with BLM, the County and Rifle Fire Protection District. There are a couple of underlying agreements -- the IGA with County and Rifle Fire Protection District; the Agreement between BLM and Rifle Fire Protection which sends federal money to the Rifle Fire Protection District; there is an Agreement between Phil Vaughan Construction Management, Inc. with the Rifle Fire Protection District; there is a Pre-Annexation Agreement with the City of Rifle which creates the water and sewer tap fees; and now there is another Agreement between Rifle Protection District and the County which allows Rifle Fire Protection to send the money from their agreement with BLM to the pot of money that the Board of County Commissioners is also contributed to -- everything will all be put together with several different pieces of paper. This document with Rifle Fire Protection will require them to provide the piece of property that has already been deeded to them for the construction site for this building to service the project and the owners' representative under the Agreement with Vaughan, the BLM Agreement, and this Agreement to provide the parcel money from BLM and to apply the water and sewer tap fees are held which are held by the County Commissioners under the Pre-Annexation Agreement to that facility and the amount needed for that facility. It then obligates the County to waive the building permit fee which would otherwise be required, provide a total of \$150,000 made up of: \$160,000 cash payment; \$5,000 from a Rural Development Grant; and \$20,000 from State Department of Transportation, Division of Aeronautics. The Board was given a credit of \$20,971.17 for money already been paid for architectural work and other pre-construction work done under that Agreement between the

Rifle Fire Protection District and Phil Vaughan Company. The County will also receive credit from money that went directly to CTL Thompson for Geo-Technical. The dollar amount of this warrant will need to be checked by Carolyn; and then a certain dollar amount reducing those two from the \$185,000 will be the amount of the County warrant going to the Rifle Fire Protection at then end of this week out of the Airport's budget.

In allowing this building to proceed the County has committed to allowing the Rifle Fire Protection to use the water and sewer tap fee credits. If and when those are needed by the County for another development project in the future, then Rifle Fire Protection would have to sent those credit amounts back to the County; otherwise the Agreement reflects a mutual obligation to continue good faith negotiations coming up with a second intergovernmental agreement to figure out exactly out to operate this facility once it is on the surface.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign the Agreement for approximately \$142,000 in the form just described by Carolyn Dalghren made to Rifle Fire Protection District pursuant to the Agreement; carried.

### **EXTENSION OF FIRE BAN**

Ed Green and Don DeFord were present.

A fuel moisture content was discussed and the Board decided that it warranted keeping a fire ban in place for the County for another 30 days.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to keep the Fire Ban in place for another 30 days and publish as necessary; carried.

### **PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA**

#### **Housing Authority Board Member**

Shelia Smith attended and requested an additional board member be appointed to replace Larry Bogart who had resigned from the Board.

Mildred said that Shelia Markowitz had applied however it was just prior to the advertisement placed in the newspaper.

The board directed Ed to contact Shelia to see if she was interested in serving. If not, to re-advertise.

#### ***Lee Morgan - CR 312***

A request was made by Lee Morgan for the County to consider placing CR 312 on the road schedule for chip/seal. Discussion was held and King Lloyd commented that since the timber operation is forthcoming, that chip/seal would not be the appropriate application for that road.

Mag Chloride and stabilization of the road was agreed for the present.

#### ***Rural Resort - Child Care Facility***

Commissioner Stowe said he had given Don DeFord an IGA between the Counties of Eagle, Pitkin, Garfield, Lake and Summit concerning Regional Child Care Project for review.

#### ***Declaration of Interdependence***

Commissioner Stowe reported on the handout - a Declaration of Interdependence written by Pitkin County Commissioner Nick Ireland to consider. Basically it is an attempt to create some attention for preserving and extending common good in recognizing the needs of our Counties on the Western Slope to share among the benefits as well as the burdens of growth.

### **JAIL DISCUSSION**

Don DeFord, Dale Hancock, Ed Green, Al Maggard and were present.

Don DeFord reported on the IGA for the City/County Complex and presented a draft document for the Board to review. A completion date of January 2002 for the jail and a potential start date of May 2002 for the City Hall was included in this proposal by the County. Discussions need to be held with the City.

Don clarified that the Ordinance passed only includes the alley south due to the interest of the railroad the remaining parcel.

### ***Remodel of the Current Jail***

Deputy Sears gave the update saying the completion date is uncertain but the work is moving along steadily.

### ***Executive Session - Personnel Issue***

Commissioner McCown requested a brief executive session; Commissioner Stowe seconded. Motion carried.

Commissioner McCown made a motion to come out of executive session; Commissioner Stowe seconded; carried.

### **PUBLIC HEARINGS:**

REQUESTED FOR APPROVAL OF SPECIAL USE PERMIT FOR PLACEMENT OF A PROPANE STORAGE TANK. LOCATED 1058 COUNTY ROAD 100, CARBONDALE, CO. APPLICANT: PROPANE SERVICES, INC.

Don DeFord, Kit Lyon, and Bob DeVan of Propane Services were present.

Don determined that adequate and proper notification and posting were in order and advised the Commissioners they were entitled to continue.

Chairman Martin swore in the speakers.

Kit presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Regulations; Exhibit D - Garfield County Comprehensive Plan; Exhibit E - original photos of the site and Exhibit F - Staff report and attachments.

Chairman Martin admitted the Exhibits A - F into the record.

Kit explained that this was a request for a Special Use Permit to allow for a storage of propane on 38.12 +/- acres with 18,000 sq. ft. leased for propane storage with access off of CR 100 in Carbondale across from Willow Lane, on the Mid Continent site.

Kit said that according to the 1995 Garfield County Comprehensive Plan, this site lies in the light industrial and rail corridor area.

The existing site is currently used in a light industrial capacity by Mid Continent Resources. The lease area lies on a natural bench well above the railroad tracks.

The applicant proposes to run underground electrical wiring from the existing power lines to operate equipment. A small propane powered generator will be situated for back-up/temporary power.

### ***Recommendations***

Staff recommends APPROVAL, with the following conditions:

*To ensure that the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County:* 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.

*Pursuant to Title 30, Article 28, and Title 29, Article 20 of the Colorado Revised Statutes:* That the applicant meet all requirements of the Garfield County Zoning Resolution of 1978, as amended.

*Pursuant to Section 9.03.01 (1), 5.03(2), and 5.03.08 (5) of the Garfield County Zoning Resolution of 1978, as amended, and Section 902 of the Uniform Building Code of 1997:* The entrance to the Mid Con site shall be constructed to be in conformance with all federal, state, and local regulations. The illegal turnout shall be removed immediately and an engineered system that meets traffic safety and emergency access requirements shall be installed prior to issuance of a special use permit. Written approval of the reconstructed access shall be obtained from the County Road and Bridge Department and from the Fire district. Said written approval shall be supplied to the Planning Department prior to issuance of the Special Use Permit.

*Pursuant to Section 9.03.01(1) and 5.03.08 (5) of the Garfield County Zoning Code of 1978, as amended, and the Uniform Fire Code Section 8001.3.2:* A hazardous material management plan shall be provided to the Carbondale Fire marshal and the

Garfield County Planning Department. The plan must be approved prior to issuance of a special use permit.

*To ensure that the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County and pursuant to section 5.03.08(5)(A):* Storage of propane shall be in accordance with accepted standards and laws and shall comply with the applicable national, state and local regulations. Any permits for propane storage must be obtained and provided to the Planning Department prior to issuance of the special use permit.

The Commissioners verified that this was a code enforcement citation and the hearing today was to rectify that lack of compliance.

The concerns for the Fire Department and Road and Bridge were discussed regarding the access onto CR 100.

Mark Bean was sworn in and mentioned that the 200' trailer should read "commercial trailer" to comply with the current code.

It was also noted that Guy Meyer needs to be added to the list of those receiving a plan in case of an emergency. Emergency Communications has requested to have a plan and that request came through the Communication's Authority.

A motion was made to close the public hearing by Commissioner McCown and seconded by Commissioner Stowe; carried.

Commissioner McCown made a motion and Commissioner Stowe seconded to approve the request for approval of a Special use Permit for placement of a propane storage tank for Propane Services, Inc. with the conditions added.

REFERRAL AND DETERMINATION AND PUBLIC HEARING DETERMINATION FOR  
REQUEST FOR A SPECIAL USE PERMIT TO ALLOW FOR AN EXPANSION OF A  
NONCONFORMING USE. LOCATED: HIGHWAY 82 FRONTAGE ROAD APPROXIMATELY  
2 MILES EAST OF CATHERINE'S STORE. APPLICANT: ALPINE ANIMAL HOSPITAL

Don DeFord and John Barbee were present.

John submitted a letter from alpine Animal Hospital for plans and information to allow for an increase of approximately 1400 square feet to their facility.

The Commissioners approve this item to be placed on their Agenda.

REQUEST FOR EASEMENT THROUGH A COUNTY OWNED PARCEL IN WEST GLENWOOD  
SPRINGS. LOCATED: ON DONEGAN ROAD SOUTH GLENWOOD SPRINGS GOLF CLUB.  
APPLICANT: STUDIO 3 LAND COMPANY, LLC.

Mark Bean, Don DeFord, and John Baker, Manager of Studio 3 Land Company, LLC. were present.

Don determined that adequate and proper notification and posting were in order and advised the Commissioners they were entitled to continue.

Chairman Martin swore in the speakers.

Mark Bean presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Regulations; Exhibit D - Garfield County Comprehensive Plan; Exhibit E - Project Report and Staff Comments

Mark submitted a letter of request to obtain a utility easement through a County owned parcel of land (old gravel pit) in West Glenwood Springs located on Donegan Road south of the Glenwood Springs Golf Club. The easement would be used for a sewer line to run from the proposed Western Pines Subdivision immediately adjoining the north and west boundaries of the County parcel to the Sunset Ridge project currently under construction south of Donegan Road.

Before the Sunset Ridge project was constructed, Sopris Engineering studied several alternative routes for a new sewer line to serve Western Pines and engineered a line to cross Donegan Road near Vista Drive. The only drawback to this location is the need to condemn private property for the easement, which the West Glenwood Sanitation District has agreed to do. However, connecting to the new sewer manhole recently constructed for the Sunset Ridge project may provide a more palatable solution.



The letter noted that the sewer line will be situated in a virtually unbuildable area of the parcel down an existing swale and along the toe of a steep gravel slope. Sopris Engineering is also studying the feasibility of running a new water line in the easement.

The easement will obviously benefit the Western Pines development, however, the value of the County property will be enhanced substantially by having the new sewer and water lines on the property rather than having to construct lines across Donegan Road sometime in the future.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the easement be granted within the general location as presented by Yancy Nichols for the West Glenwood Springs Sanitation District to place a utility and the cost be borne by the developer but the easement be transferred to the Glenwood Springs Sanitation District. Also to work in conjunction with the County Surveyor Sam Phelps. Motion carried.

### **CONSENT AGENDA**

#### **A. APPROVE BILLS**

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to pay the bills as presented; carried.

#### **B. AWARD BID: COUNTY ROAD PROJECT**

Commissioner McCown noted for the record that he would not be present for the meeting on Wednesday when this would be discussed. He commented that the County is the only one familiar with Tar sand application; and he wanted to make sure the County was not in a liable situation should this application fail since this is being subbed out.

#### **C. AWARD BID: MOTOR POOL VEHICLE REPLACEMENT - 1 CAR**

#### **D. AWARD BID: MOTOR POOL VEHICLE (TRUCK) REPLACEMENT and ADDITION OF ONE TRUCK**

Ken Maenpa mentioned that a 1999 Ford Taurus in stock and the total cost after the trade-in of a 1995 Contour was \$16,027.50 for Motor Pool - Item C; the two trucks - 3 bids returned for the full side trucks. One bid met the specifications - 2000 GMC's extended cabs with Berthod Motors. For all three vehicles including the Airport Vehicle - \$58,380.00 equates for each vehicle \$19,460 plus \$625 for the extended warranty.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to as presented; carried.

### ***Fairgrounds - Arena Building***

Bob Szrot requested a signature to proceed with the ordering of the building. This was presented and approved on July 12, 1999. The contract was not ready at that time however.

### ***Probation Office/Remodel - Relocation***

Bob stated that two properties were being considered - side by side - Henry's Building and next door - Gill's property. Bob presented the dollar amounts for remodeling and discussion was held.

Gill's building would cost \$93,000 to remodel and then negotiations to lease the building; the Henry Building would provide 6000 sq. ft. of storage in the basement and 6,000 ft of main floor place for offices.

Discussion was held -- direction was given to the staff in proceed with negotiations on the Henry's Building.

### **CONTINUED PUBLIC MEETING: REQUEST FOR APPROVAL FOR EXEMPTION FROM THE DEFINITION OF SUBDIVISION. LOCATED: 1121 SWEETWATER ROAD. APPLICANT: DAREN E. OLSON**

Fran Cadez Attorney for the Olsons, Daren Olson, Don DeFord and Kit Lyon were present.

Kit presented the update from the July 19th meeting and added that the cutoff date for submittals in order to be included in this report was July 12, 1999.

### ***Recommendation***

Staff reiterates that pursuant to Section 8:52A, this is a discretionary decision that the Board is in no way obligated to approve. Furthermore, since this land is already successfully used to the benefit of its owner, a "taking" can not be demonstrated. Staff recommends DENIAL for the following reasons:

Section 8:52B of the Subdivision Regulations of 1984 states all zoning requirements must be met. The lots that would result from this division of land have not been proven to meet the minimum requirements set forth in the Zoning Resolution of 1978, as amended.

This division does not meet the definition of a lot as specified in the Zoning Resolution nor does it meet the minimum lot size as specified in Section 3.02.04. Approval would set a dangerous precedent which could result in significantly higher densities than currently allowed by the Zoning Resolution. This request and precedent poses a significant risk to the health, safety, and welfare of Garfield County residents.

Section 5.04.02(2) of the Zoning Resolution state the Supplementary Lot Area regulations. The information required by code to approve of the creation of a lot which contains a build-able area of less than one (1) acre has not been supplied. Extensive grading of 40+% slopes has resulted, at least in part, in a building envelope of 2,500 sq. ft. No professional grading or drainage plan has been submitted (5.04.02 2E). The toe and the hillside of the 40+% slopes have already been removed to create what little building envelope there is. This is in violation of Section 5.04.02(2) which states that the 40\_% slopes are not to be disturbed. The applicant has not demonstrated that this a build-able lot under Garfield County regulations.

Section 5.05.02 of the Zoning Resolution states that a stream setback of thirty (30') shall be "protected as a greenbelt and maintained in conformance with the definition thereof." The setback to the east of hack Creek has not been shown on the plan. Section 2.02.28 states that a greenbelt is land retained in an open or unimproved located so as not to violate these setbacks.

Section 8.52E of the 1984 Garfield County Subdivision Regulations requires that state and local health regulations be met. Without well, septic/leach, building, and parking locations designated on the plan, it cannot be determined if these items can be contained within the building envelope and meet the required setbacks. Pursuant to the Colorado board of Health standards, revised 1994,. a test hole evaluation showing that the groundwater is at least four (4') feet below the bottom of the test hole in the wettest months has not been provided.

Pursuant to section 6.09.01 of the Zoning Resolution, no permanent structures are to be constructed in the flood way. No written confirmation from the Army Corps of Engineers permitting a culvert or bridge has been provided.

Fran Cadez representing Daren Olson clarified any remaining issues of the Building Department. She included in her remarks that the time frame had been shortened for getting documents into the Board for consideration in this matter and therefore explained the necessity of presenting last minute exhibits.

After a lengthy discussion, maps being reviewed and overlaid to show the actual and accurate description of the property, the plans for subdividing the land; etc. the Board closed the Public Hearing with a motion made by Commissioner Stowe and seconded by Commissioner McCown; carried.

The Commissioners reviewed the staff's comments, reviewed the maps (2); determined the well location; the slope of the property; the comments made by the attorney Fran Cadez; and Daren Olson; and the re-vegetation plan.

A motion was made by Commissioner Stowe, realizing the lot is buildable, that it is his land, to support the application of Mr. Olsen for the exemption from the definition of a subdivision for the site at 1121 Sweetwater Road in view of the evidence and this preliminary map shown with a 2.08 acres on lot 1 and 4.468 acres on lot 2. The recommendations were made that they follow the site layout plan of Resource Engineering for the location of the house; 1500 sq. ft. house with a septic and/or septic system 300 sq. ft. noted that it will be a dry well system and in the location as designated on the Resource Engineering map on lot two. Engineered foundations, fire protection and setbacks.

Motion was seconded by Commissioner McCown.

Don DeFord clarified what staff will be looking for at the time of the Exemption Plat -- is the Board satisfied that they have in front of them an adequate site plan so the staff will know what is submitted at Exemption Plat.

Commissioner Stowe clarified it was a combination of the two maps presented by Daren Olson.

Chairman Martin further clarified that they were looking at a map showing the division of lots, or the actual property and a division of lots as well as the site plan.

Commissioner McCown mentioned these were an overlay.

Don DeFord said when we, as a staff receive the exemption plat, is the Board anticipating that the building envelope should be shown on that.

Commissioner McCown - yes.

Don DeFord - okay.

Chairman Martin - as a designed 2500 sq. ft. building lot?

Don said he thinks so, we don't have it on the maps - the Commissioners do.

Don - in terms of physical source of water, does the motion include the normal requirement for pump testing and .... Commissioner Stowe - yes.

Commissioner McCown said they require on every test that the water needs to be potable and ..

Don - that's correct

Commissioner McCown said that the requirement is for the pump test be performed, completion report demonstrating the depth of the well, results of the pump test, opinion of the person conducting the well test, adequate amount and water quality test by an approved testing laboratory in this state guidelines concerning bacteria, nitrates and suspended solids - same boiler plate that's on everything.

Don wanted to make sure that everyone understood this still needed to be done. The final conclusion was that the well would be located on the property to be split, but in the event that it is not, they would need a well-sharing agreement that will need to come with the exemption plat.

Commissioner McCown said that after Don looks at the map that shows the lot split in will clearly be on that parcel and would not require a well-sharing agreement.

Chairman Martin stated that he would also like to see a re-vegetation plan if necessary on that hillside that's been disturbed.

Mr. Olson said it had been completed and he had photos in the vehicle. It is coming along pretty well already.

Don asked if the Board needed to see this.

Chairman Martin said to make sure the vegetation plan is followed and successful because otherwise it would entail a revisiting on the erosion problem.

Mr. Olson said he would be planting all sorts of trees and shrubs on that hillside.

Don asked that these clarifications be included in the motion concerning water testing, well sharing if needed, revegetation and site plan.

Commissioner Stowe amended his motion to include the items as stated by Don DeFord.

Commissioner McCown amended his second.

Motion carried.

## **BOARD OF HEALTH**

A motion was made by Commissioner and seconded by Commissioner to go into the Board of Health; carried.

A motion was made by Commissioner and seconded by Commissioner to come out of the Board of Health; carried.

Mary Brown Manager from the State Department of Health was present with Mary Meisner.

Mary Brown provided the Commissioners information they had previously requested on the County Sanitarian - Health Officer presented before them several meetings ago.

A lengthy discussion was held; a determination that there are 20,000 restaurant inspections per year; clarification as to the actual requirements of the position; revenue potential versus salary for this "environmental health officer" and percentage paid by the state were included.

Mary Meisner presented the following in her report:

Tuberculosis Control Contract for renewal for \$5927. Mary stated that this had been reviewed by the County Attorney Don DeFord.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the signature of the Chair on the contract for Public Health; carried.

### **HUMAN SERVICES COMMISSION**

Lisa Pavlisick and Coordinator of Minority Services Sylvia Barbera were present.

Lisa reported that the Human Services Grants were being reviewed by a committee consisting of no one who submitted a request for funding.

#### ***Asistencia Para Lationos***

Sylvia Barbera mentioned that the main purpose of this agency is "to empower the Latino community towards self-sufficiency through services, education, advocacy and interagency collaboration."

Sylvia provided the Commissioners with a quick quiz written by an American on Latino concepts that included the following (with the answers):

How many Hispanics are there in the world? 300 million

In the U.S.? 30 million

In the Roaring Fork Valley - nobody knows

How many received services from Asistencia last year? 3200

Are Latino and Hispanic the same? - no. Latino = South America/Cuba; Spain - Hispanics

Are Lationos a race? no

Can they be blond and blue eyed? yes

Do they all speak Spanish? no

The media age of Hispanics is about 10 yrs. younger than non-Hispanic whites? true

How many countries have more Hispanics than the U. S.? 4 - Spain, Argentina, Bolivia, and Mexico

What percentage of Mexico-born Latino immigrants drink? less than 10% and this is usually men -- less women drink due to cultural upbringing.

How much are immigrants paying for help in crossing the border? \$1100

Juan Pablo Garcia Jimenez comes in for services. What is his last name? Garcia

Can Mexican nationals become U. S. citizens and still maintain their Mexican Nationality? - yes. Two years ago a law as passed that allowed this.

Can the majority of the local legal undocumented workers get their residency? no

Poor Mexican immigrants can increase their salary by how much if they come to the U.S.? ten times more

What percentage of Crystal River Elementary is Hispanic? 47%

High School dropout rates for Hispanics are: triple

What are some of the strengths of Latino population? family oriented; hard workers; flexibility; and a great sense of humor

The Board thanked Sylvia for coming and providing the information to them.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Social Services; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Social Services; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the CYF (Child Youth and Families) Site Agreement/Contract; motion carried.

## **BOARD OF SOCIAL SERVICES**

Margaret Long, Colette Barksdale and were present.

### ***Bills and Payroll***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the payment of bills and payroll as submitted; carried.

### ***Taughenbaugh Remodel***

Ed Green commented on the remodeling of Social Services Offices at the Taughenbaugh. He was surprised at the improvement and suggested the Commissioners tour the building.

Margaret stated that they used an excess of State money to replace furniture and update computers. Last year Social Services sent back \$20,000 to the State of excess funds. These were items that badly needed to be replaced.

### ***Reports***

The Expenditures to Budget Comparison Report; Refund regarding Child Support and recoveries showing a recap of the collections from 1994 - 1999 for the various months as well as breaking down between Garfield and Pitkin Counties; the Caseload Statistic Report breaking out the Aid to Needy Disabled, Colorado Works, Old Age Pension and Food Assistance; Gateway - Colorado Works summary for June 1999; the Out of Home Placements from 1990 through 1999 indicating the high/low for the individual months; the Report of Placement Type for Child Welfare from January 1997 through June 1999; the breakdown of referrals indicating the program area, type of case and disposition were presented for review to the Commissioners.

Medicaid Eligibility: How Well Do You Know the Rules, a memo from Washington was summarized. Historically, Medicaid eligibility has been tied to eligibility for cash assistance programs such as the Aid to Families with Dependent Children (AFDC) and Supplemental Security Income (SSI) programs. In recent years, welfare reform efforts have made AFDC receipt irrelevant and eligibility requirements have expanded to allow for coverage of poverty-level groups, "Medically needy" persons, dual eligibles, and the working disabled.

Medicaid programs has many functions -- it acts as a maternity care program, a child health insurance program, a low-income family health insurance program, a Medigap program for low-income seniors, a low-income elderly and disabled health program, and a long-term care insurance program.

There are three tests essentially used to determine if a person is eligible for Medicaid:

Pregnant women, child, family with dependent children, person with disabilities and senior citizens.

Motion as the Board of County Commissioners

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the CYF (Child Youth and Families) Site Agreement/Contract; motion carried.

### ***Lease - Colorado Mountain College Senior Volunteer Program***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a lease with Colorado Mountain College Senior Volunteer Program; carried.

### ***Battlement Mesa Assisted Living***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Battlement Mesa Assisted Living Wire Transfer of Funds; carried.

### ***Personnel Salary Range***

Phyllis Lundy held further discussions with the Commissioners.

### ***Human Resources***

Allen Sartin, Dale Hancock, Mark Bean, Margaret Long, Steve Rippy, Mary Meisner, Don DeFord, Georgia Chamberlain, Lisa Pavislick, and Phyllis Lundy were present.

Phyllis gave her report that consisted of the new figures for the Board to review.

Personnel Committee is in agreement to do an evaluation without creating a favoritism.

included in overall evaluation per McCown - but without exceptions performance - not any more Allen Sartin mentioned that he included \$500,000 in year 2000 budget. Can we start out there and try to proceed.

Commissioner McCown stated he could support Option 1 and 5 without hesitation.

The consensus of the Board was to favor the options 1 and 5 and 3. They added that regarding options 1 - 5- 3, everyone budget accordingly.

Phyllis will put this in a spread sheet and submit to each department head accordingly. Phyllis added that she can break it into each option. These do not include part-time people. Phyllis remarked that there is still a ½ year where individuals will get their pay for performance.

Phyllis said regarding options 1 5 3, she will try to keep the increases at \$500,000.

Commissioner McCown restated the importance he saw of the pay for performance.

Ed explained that this new system will enhance that process during the next year and evaluations will be more conducive to an actual pay for performance rating system.

Phyllis identified the target for the fall. She added that the performance evaluations will be held but not tied to money. She felt the process could be better refined by doing it this way.

Ed submitted a letter from Judith Stowell of JASCom.

The Commissioners wanted some time to review the document.

#### ***New Castle KOA***

Mildred mentioned that the Board approved the new owners for the New Castle KOA 3.2 Beer License. She explained that a problem arose when it was realized that the property is in the name of George Janes and Patricia Barrows. Would this require an additional hearing?

The Board said no that the license could be issued.

#### ***Recess***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recess until Wednesday, July 21; carried.

Attest:

Chairman of the Board

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**JULY 21, 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The Continued meeting of the Board of County Commissioners began at 8:00 A.M. on Wednesday, July 21, 1999 with Chairman John Martin and Commissioner Walt Stowe present. Also present were: County Administrator Ed Green, County Attorney Don DeFord, and Clerk & Recorder Mildred Alsdorf.

Commissioner McCown was absent.

Others present included: Don DeFord, Yancy Nichol of Sopris Engineering, Road and Bridge Director King Lloyd and District Road Foreman Jake Mall.

Discussion was held on the process of how to bid Tar sands.

Attest:

Chairman of the Board

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**AUGUST 2, 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 2, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were: County Administrator Ed Green, County Attorney Don DeFord, and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Commissioner Martin called the meeting to order at 8:00 A.M.

**ADMINISTRATOR'S UPDATE**

***Housing Authority Appointment***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to appoint Sheila Marquewitz to the Housing Authority Board; carried.

***CTSI Certificates***

King Lloyd and Ed Green presented Tom Russell, Ted Morgan, Bert Gartwitz and Larry White with CTSI Safety Certificates

***Meeting with Gary Brewer - Valley View Hospital - Space***

Ed met with Gary Brewer regarding space at the Valley View Building once Glenwood Medical moves into the new wing at the Hospital. The new Community Health Center will be located there and Ed approached Gary with the possibility of having Healthy Beginnings included. Ed said Gary was receptive to the idea and didn't feel there would be any problem. Square footage was discussed and 2,000 feet was determined to meet the need. The current rate is \$15.30 per sq. ft. Allen and Ed felt this was too high and they will enter into negotiations. Office space at the Courthouse would be freed up for other uses.

The Commissioners directed staff to proceed with the negotiations.

Commissioner McCown mentioned since the County donates the land for Valley View and since the County has been approached for support on the bond issue this might be helpful knowledge in those negotiations.

***WAPA License - Easement for the Road.***

Ed recommended approval by the Chair to sign the WAPA easement for the road at the Rifle Property.

Commissioner Stowe moved to authorize the Chair to sign the agreement with WAPA.

Commissioner McCown seconded; motion carried.

***Probation Space in Rifle***

Bob Szrot presented a handout that outlined the issues he wanted to discuss at today's meeting -- one is the rental of the Henry Building. Lease agreements were presented.

Bob stated that Don DeFord has not reviewed the agreement. A one page summary that Bob presented included the cost per sq. ft. The second issue is remodeling bids for this same building.

Judge Ossola and Chief Probation Officer Terry Norris were in attendance to look at the space.

The back 1/3rd of the building would be for probation and the front 2/3rds for other offices.

The Clerk & Recorder - Rifle Annex is considering the front 2/3rds for their space which would free up 2 offices at Taughenbaugh.

Bob continued that there will be 6,000 sq. ft. of storage in the basement. Before December the storage in the basement of the Courthouse will need to be moved and stored there.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the staff to move forward with the lease agreement as presented by Bob Szrot and accept also Tomca Construction Company bid for \$53,400 for the remodel of the Henry Building in Rifle after the County Attorney has reviewed the contract; carried.



### ***County Road 237***

King Lloyd, Bob Szrot and Ed were present for this report.

Ed stated that the Board had approved \$153,543 for repair work associated with CR 237 to Bogue Construction. Bogue was also awarded work on CR 320 during the same deliberations. The staff have completed evaluating bids against funds available for the year and feel that it may be appropriate to defer construction for CR 237 until next year. In discussing the contract with the contractor - Bogue - he presented a proposal to protect the pricing firm by holding an Award to Proceed until next year.

King Lloyd elaborated by saying the County would give Notice of Award for 1999 and Notice to Proceed in 2000. The proposal from Bogue is good for 30 days.

The Board will be receptive to this approach if the issue of obligating future boards can be remedied..

### ***Energy Impact for Jail***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Energy Impact Grant for the jail for \$500,000; carried.

### ***Motor Grader Competition***

Ed announced that Competition will be held on Wednesday at the Fairgrounds for the Road and Bridge crew.

### ***25x25 Metal Building***

King Lloyd was approached by Occidental Petroleum regarding a 25 x 25 metal building with 25 foot ceilings for \$2500 plus some nominal work to help them push in some walls in their septic system at their current site. Ed suggested some thoughts on uses included at the Landfill and/or to store the snowplow or for use with Weed Management for weed spraying chemicals.

Ed said they will take a look at it and evaluate it as to future use.

The Board directed the staff to evaluate and make a determination as to its potential use.

### ***Employee of the Month***

Mildred Alsdorf, Marian Clayton, Colleen Stuben and Mona Moyer were present.

Mona Moyer of the Clerk & Recorder's Office was awarded Employee of the Month for August, 1999.

### **COUNTY ATTORNEY'S UPDATE**

Don DeFord gave his report.

### ***Projects - Bob Szrot***

#### ***Schedule - Update on Work - Fairgrounds Arena***

Bob Szrot presented an updated schedule of work assigned to the County Engineer's Office.

Bob said the steel will be delivered in November and they will have the month of October to do the foundation work, grading and the drainage.

### ***County Road 109***

Don DeFord, Bob Szrot and Ed Green presented.

Don stated that under the agreement signed with the contractor, the County had a special addendum (change to the contract) that provided by July 15 the County would need to acquire additional right-of-way and if the needed property was not acquired agreements then the County was to give notice to the contractor and it would be necessary to postpone this project until next Springs as previous discussed with agreed prices as part of this change.

Don stated that Jim Leuthueser asked him to present today that the right-of-way has not been purchased and receive official action by the Board providing notice to Bogue Construction that right-of-way was not acquired by July 15 from Crystal River Ranch pursuant to our agreement. Don provided an update saying that Jim Leuthueser has met with attorney's of Aspen Crystal Ranch and Aspen Glen. The final documents are not ready. At some time Don projected that this would come to successful negotiation.

Bob Szrot stated that he received on July 30 the draft language for the acquirement of the right-of-way.

Bob is hoping to get this nailed down within a week and if so it would be possible to end up this project by

the end of the year. Bogue has gone as far as he can until that acquirement of the needed right-of-way is consummated.

Bogue was ready to put fabric down and begin paving; therefore, Bob said that a portion of the road will be completed.

Don said that notice to Bogue was to be given and then Bogue is entitled to finish work as far as possible. Then Bogue is entitled to stop work this year at the point where he can't proceed due to the County's failure to acquire the right-of-way. Bogue has the option to stop. The notice would be to give notice that property was not acquired by July 15 and it is up to Bogue as far as he goes this year.

Bob said he envisioned a meeting with Bogue after the documents were signed. Bob said he was hopeful of having the agreements all signed within a week. Technical issues have been addressed and solved.

Don said the number of parties and the signatures needed are what has and can cause the delay.

#### ***County Road 237 Postponement until Year 2000***

Commissioner McCown explained that due to budget constraints they had discussed a delay of construction on CR 237. He explained that the contractor is willing to lock in a price and putting in a start date for next year.

Don commented that it would basically be a Tabor problem. If it is done for less than a year then it would be okay. Make notice of award to be effective January 1, 2000 then it would be okay.

The Notice of Award would need to be modified and it requires a commitment from the contractor.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign a modified notice of award extending the award to January 10, 2000 and ask the contractor to sign off of it; carried.

#### ***CR 109***

A motion by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a notice to the contractor under our agreement notifying them that the required right-of-way was not acquired pursuant to the change order in effect by July 15th specifying the discussions that this is not an order to stop work it is simply a notice of non-acquisition of property; carried.

#### ***Water Purchase - Bureau of Reclamation***

Bob Szrot stated that Jeffrey Baurer of the Bureau of Reclamation needed the locations of where the County pulls water from the Colorado River.

King explained the use of the water by Road and Bridge. King explained that the County purchases this 250 acre feet annually.

Don said years ago the County proposed to acquire/purchase 250 acre feet of water from the Bureau of Reclamation -- Ruedi as part of their Round 2 sales. The County actually signed contracts and tendered them to the Bureau of Reclamation. Don stated the County has never received those agreements back from the Bureau conveying that water to the County. There has been a long delay in the Bureau of Reclamation fulfilling the contracts. The original purpose of the 250 acre feet purchase of water was several fold: 1) to provide a support for Road and Bridge draw of water from both the Roaring Fork and Colorado River for use in watering roads; and 2) to fulfill the purpose of being a participant in the Round 2 Sales process. This was a mechanism to give the County standing to do that so we could be part of the negotiations and part of the discussion on the overall usage Ruedi Reservoir. Lastly, the Board of Commissioners did want to establish a small reserve of legal water for unknown uses down the road.

Scott Balcomb was in the audience and explained. The Round 2 sale contracts have been very slow. Scott Balcomb agreed and said the Bureau has starting to issue those Round 2 sales. The process stopped due to the endangered fish problem. He projected within the next few months the County should be getting a contract. Scott Balcomb said he felt it was important for the County to maintain this type of water rights.

Scott Balcomb asked the Commissioners just how much they wanted to get into the water business. He felt like the County should let the Water Districts be the source and the County stay somewhat less involved. A number of irrigation rights are needed for properties the County doesn't have and these can be picked up. For domestic water the County would probably be better off to go through the West Divide and Basalt Conservancy as they are all set up and functioning. Some Counties feel that they do need to be involved in the water policy making business and have their own water attorneys and spend a lot of money. Unless the

County wants to be in the water business he didn't advise it. The needs are being met by these districts in place.

King said we already purchase water from the Basalt Water Conservancy. In some situations the water has been on-call and Road and Bridge has been cut off from drawing water.

Don said before proceeding on the purchase the County's need for water should be evaluated.

The Board directed the staff to evaluate the need for water; to check with other counties and then proceed.

#### ***County Wide Transportation Authority***

Don DeFord handed out a draft of an Agreement to form a County Wide Transportation Authority.

Chairman Martin stated this affects the City of Rifle and unincorporated areas of Garfield County coming together to form a district to have a mass transit and assist the Traveler in funding under Russell George's statute that he was able to get passed.

Don said he was asked by the Board a few weeks ago to propose an agreement with Rifle to form this type of an authority in Garfield County. He submitted a first draft and added he would not tender this to Rifle until the Board has a change to review and provide comments to him.

Chairman Martin stated that Rifle is aware of the and was expecting a copy of the draft. He suggested giving it to them for review and arranging a joint meeting on this issue to see if an agreement can be reached between the two parties.

Don said there are some provisions that will need funding. Don included a back-up funding by the County for the Authority and didn't know if the Board wanted to do this or not.

A decision was made to further discuss this after the 3:00 P.M. agenda.

### **SCHEDULED WORK SESSIONS**

#### **Ad Hoc Home Rule Committee Report**

Charlie Willman provided a report of the Ad Hoc Committee. The committee was formulated and time was spent assessing the issue. The political part of the process has not yet begun. The group felt strongly that CCI may introduce legislation in the year 2000 to provide for various types of County Government including various denomination of Commissioners, etc. The ability of the State Legislature to change the structure of County Government in the first year that it is introduced is fairly unlikely to be approved. The second issue is whether or not to place this before the electors to determine if a Charter Commission needs to be appointed. The primary motivations is attributed to the growth and the purpose for going forward with Home Rule is the ability to have 5 Commissioners which the group felt would be a better system of government opposed to the present system we have. This was not to imply that this 3 Commissioner Board was not doing a good job. This is not the case -- the focus is if something can be done better then why not take the opportunity to look at it.

Charlie Willman strongly encouraged the Board to give the voters an opportunity to decide if they wanted a Charter Commission to be formulated and if Home Rule was wanted. The Charter Commission would consist of eleven members and they will determine the form.

\$50,000 was a proposed cost projection by Charlie Willman. The \$100,000 cost provided by Summit County sources was never verified and Charlie added that a lot of that was legal fees. Since Garfield County is not reinventing the wheel in this issue he didn't feel the legal fees would be that much. Charlie said the committee wanted to proceed due to a popular interest from the group.

Discussion was held.

Don stated the statute provides for expenses and mentioned three ways that this could be paid for: 1) the Board can establish a special mill levy for that purpose because of the method of determining the manner in which the current mill levy is structured; the Board could designate costs for these expenses; 2) if an extra mill levy is anticipated, it would require a vote of the people; and 3) the county can contribute the costs out of general fund. Options 1 and 3 would not require a election.

Don stated a Charter Commission could be formed and if a ballot issue to establish a new mill levy failed, the other two options are still legally available to them.

Charlie Willman added that his opinion would be that the Charter Commission would have to carry out its duty without compensation. He reminded the Commissioners that these 11 individuals would be basically

providing thousands of dollars worth of time assessing Garfield County's system of government and ways to make it more efficient. The County would be investing a small amount money wise to get a thorough report from this commission.

#### *Ad Hoc Members - Input*

Gene Park of Battlement Mesa said they had 8 meetings - 94 attended at different times; they spent a total of 141 hours discussing and debating this and trying to learn as much as possible before making a decision to recommending. Special thanks for John Martin and Mildred Alsdorf for keeping all the records and for John getting the information from CCI that gave an insight as to what was being done at the state level. He also thanked Ed Green and other siting both the advantages and disadvantages of Home Rule Government. During the 8 meetings there was a lot of discussion from what he considered a good cross-section of Garfield County being represented from Carbondale to Battlement Mesa. There was a lot good input, good thoughts, agreed and disagreed on some issues. The two things most obvious from the first meeting was that no one knew anything about Home Rule Government. The things that stood out was the opportunity to go from 3 to 5 Commissioners and the opportunity to redistrict from 3 to 5 or to go to 4 and one at large.

Gene said he did an early survey in Battlement Mesa talking to 30 people on their opinion on Home Rule - 15 said yes, some with reservation. Gene supports putting this before the voters.

Lou Tapani from Glenwood Springs said he would like to have stronger input from the voters. He favored letting the voters give the Commissioners a better way to solve the problems.

Bruce Christensen of Glenwood Springs said he was involved with a huge amount of Boards and this Ad Hoc Committee was a diverse group. Every town in the County was involved. Every one representing their area came back saying that we would be better represented if they were individually represented. The group looked at maps and populations and areas of like interest. They felt that logical boundaries would be evident and a real good reason to have additional commissioners representing all parts of the County. He added that the current Board of Commissioners would lose some power going from 1/3 to 1/5 say in the County. The cost of adding two leaders would not be that much more costly nor would it add more government; only 1% cost increase and it would be more effective and a better government. It would take the County out from under some of the State regulations and provide an opportunity to shape it to be effective for this area. The Committee's recommendation is to 8 - 1 to put this to a vote of the people.

#### *Motion*

Commissioner Stowe commented that his position was that if he only had to campaign in his one district and be concerned about votes in one area, then he never has to go outside his area to see what is viable to Parachute or Carbondale. Therefore his concern over 5 Commissioners and not having them elected at large is due to this limited area of concern. He felt like the current three commissioners represented the interests of the entire County. He added that this is not a power issue -- it is a matter of making rational decisions made within the County for the good of the entire County. The only way this can happen is when the Commissioners represent the entire County. He did make a motion to proceed with the Home Rule issue being put before the voters to see if they support the initiative to elect a Home Rule Charter Commission and included that he wanted the voters to vote on funding it from an additional mill levy; should that mill levy fail, then the entire issue of how it will be funded becomes another thing.

Commissioner McCown seconded and commented that he echoed Commissioner Stowe's sentiments. He said that any government that gives up the possibility of being elected at large gives up the representation of the entire County that the Commissioners make decisions on. Again the comment that they shouldn't be making those decisions even though they are often times unpopular, they get paid to make those decisions. This issue of Home Rule is one of the few decisions they are given the opportunity to make and on issues of taxation, transportation, etc. we were elected to do that. There is a process in place every four years and if the decisions are not popular then that's the time to take the action. This would not change with 5 Commissioners. Again he personally sees the fragmentation of the County Government. It was clearly brought out in the information given today that there are very diverse interests between Carbondale and Parachute/Battlement Mesa. The individual elected from Carbondale would support the issues that directly affect Carbondale and there may not be anything cost associated for Parachute/Battlement Mesa. The Commissioners are vested with the overall future and good of Garfield County.

Chairman Martin thanked the Committee and stated the issue has come forward and been available for the Counties since the early 1970's and only two counties have succeeded. It is a very difficult and expensive

proposition. However, it is the choice of the people as to whether or not we go forward. This is not an easy task

Don DeFord clarified a procedural question asking if the motion includes directions to the staff to prepare the Resolution with the Ballot Titles of the two questions - Charter Commission and Mill Levy addition.

Mildred said she has to have all the petitions in to her by August 26th. There is a real short time frame.

A decision was to bring this Resolution before the Board on August 9, 1999.

Vote on the motion:

McCown - nay; Stowe, aye; Martin, aye.

### ***American Soda***

Mark Bean, Scott Balcomb, Tim Thulson, and Charlie were present.

Mark said that American Soda is in a position to discuss a fiscal analysis of the project. The special use provisions in the regulations does not allow a company to exceed 200 employees on the site.

Scott Balcomb stated that they originally projected for 190 employees; however some project revisions show that this number will be in excess of 200 staff at the site. He provided the justification for the overage and requested the County allow them to move forward. The individuals being delayed from working at the site are companies in Garfield County. Scott also stated that there was one other factor brought out at the Public Hearing which was Green River Construction attempts to keep them out of business and in making the protests at the federal level, has caused some delays. Scott said he met with Mark Bean and notified him of the problem. Today, they are asking help from the Board to define what was an employee is for the purpose of not to exceed the 200 level. When Dennis Stranger drafted this 20 years ago he did a wonderful job but there's lots of work for interpretation and lawyers in this and suggested the Board may want to retain Dennis as its consultant to advise them in this process.

Mark Bean said Dennis has come up with a suggestions but there are two issues that need to be dealt with here: 1) they support entering into an agreement with Dennis Stranger to act as the County's agent due to previous experience and 2) in drafting the regulations in the present regulations.

Mark presented a proposal that has two functions Dennis sees himself performing: one is a direct analysis of the fiscal impact analysis from the County's perspective and coordinating the pre-application process and other review activities with the County Commissioners, staff, local governments and America Soda. Dennis suggested a not to exceed amount of money of \$7500.

Mark added that the regulations do allow for the County to charge back to an applicant up to \$15,000 specifically.

Dennis Stranger the scope of work is vague at this time and looking at the fiscal impact program within the regulations there is a number of options and permutations of the program that this could take but as an understanding now and the level of information available, Dennis suggested starting out on an hourly not to exceed program. If he runs into problems, he will come back to speak to the Board.

Scott Balcomb said they did recognize their responsibility to pay for these services.

Mark Bean gave a brief of the actual regulation itself. Mark says the actual definition defines a major project and defines an employee. In trying to develop a definition of an employee that is more specific than what is included in the regulation and in turn this could provide the County to establish a monitoring system for the County and well as American Soda as to being clear as to when and how they exceed the 200 employees.

Dennis Stranger said there are two test included in his proposal: direct fiscal impact analysis and establish a monitoring system. He explained that in detail in a handout provided to the Board. He said there were two reasons to establish the monitoring program -- one is to ensure compliance with existing Resolution 99-055 authorizing a special use for this project; and 2) is to start gathering baseline data for the fiscal impact analysis that the project sponsor in order to classify as a major project. Dennis suggested some definitions based on preliminary discussions.

From an economic or fiscal impact analysis what the real concern is the direct work force. This means the lunch box and hard hat construction or operating the project. All other workers including UPS delivery,

steel delivery people are considered indirect work force or secondary work force and in the process of the analysis they will estimate how many people this includes but for monitoring purposes they want to keep it focused on the direct employee on the project.

Dennis explained fully and said this process will establish a threshold. They will collect data to be in compliance with that resolution and start establishing base line data for potential fiscal impact analysis down the road.

Scott said American Soda has reviewed regulations and agree this is a vast improvement over where they were, will eliminate misunderstanding and will give them something to go on while working out the fiscal impact analysis.

Mark said this is a three step process: notice of intent to apply; pre-application notice; and the actual fiscal impact analysis itself.

Commissioner McCown made a motion to enter into an agreement with Dennis Stranger of \$75.00 an hour not to exceed 100 hours without further authorization. Commissioner Stowe seconded. Motion carried.

A time was set for review of 1:30 P.M. - August 9th American Soda - Fiscal Impact Analysis

Charlie thanked the County and all the folks that work here because they received excellent interface and cooperation on this project from day one.

### **SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISION**

*Update on BOCC Negotiations between Rifle Fire Protection District & City of Rifle on Tap Fees - Executive Session*

Carolyn Dalghren, Don DeFord, Ken Maenpa, Phil Vaughn, Mike Morgan, Tom Stuver, Bob Szrot and Ed Green were present for the following discussion.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss the tap fee credits; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

#### Direction

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the County Attorney to continue with the operations agreement and lease document with the City of Rifle and the Fire District as discussed; carried.

#### Discussion - Jail Schematics - Design - Permits - Jail Financing

Allan Matlosz with George K. Baum and Company and Blake Jordan with Sherman Howard, Allen Sartin, Don DeFord, Sheriff Dalessandri, Bob Szrot and Ed Green were present.

Update by Allen Matlotz indicated since the last meeting a schedule which has the financing closing in mid-September (9/14) and they are on schedule. Documents went out on July 23rd as scheduled; a conference call on the 29th with staff; documents go through another draft then they will send out information to bond insurers to obtain commitments which gives the County a AAA rating. There is a Commissioners' Meeting for September 7 for consideration of final documents.

Blake Jordan reported on the documents; added that the transaction is relatively straight forward. The County is only party to one major document and that is a lease. Basically the County is leasing a building from a nonprofit corporation which the Board formed in 1976 -- the Garfield County Finance Corporation. The County will enter into the Lease of this building and incurs an annual obligation meaning they can opt to discontinue or continue the lease at any time. The County also has right during the lease at any time to go ahead and purchase the building. It's a Lease/Purchase Agreement. The money comes from the payments that are planned to be made on the lease are assigned to the trustee and the trustee sells bonds or certifications of participation. One other document is a ground lease. The County will lease the ground to the finance authority and they lease it back. The ground will be owned by the County. The official statement needs to be read by the Commissioners. Allen will send this to investors with respect to the County.

Allen Matlotz said this is the structure used by almost all Counties and referenced Montrose.

On September 7 the Commissioners will be passing a Resolution approving Jail Financing; the Lease; and Corporate Action by the Garfield County Finance Corporation.

Allen Sartin said he has reviewed the documents and he will discuss with Alan and Blake some fine points.

Sheriff Tom Dalessandri reported the jail population is between 80 and 90. The current jail facility remodel is within two weeks of completion. Bob Szrot has done a great job on this.

#### Jail Schematics - Design - Permits

Bob Johnson displayed the schematic drawings on the Commissioners wall for viewing by the public.

Bob Johnson, Al Maggard, Tom Dalessandri, Bob Szrot, Mark Bean, Don DeFord and Ed Green were present.

Bob Johnson reported on the meetings with the City, County staff, and site issues with the City on utility relocation, zoning, south side plaza and construction on the City Hall. He said the issues are all out on the table with the City and he does not foresee any road blocks. Some discussions have also been held with the City on their financial contributions. The \$490,000 in cash and another in-kind contribution of \$351,000 for tap and building fees. Any excess of the \$351,000 the County will have to pay.

Bob said contractually they were to have finished last Monday and they did. The drawings and cost estimates were delivered last week and reviewed it with the Commissioners and today a public presentation.

Number one (1) item - design.

The requirement of the City is a brick facade. It was priced and some additional decorative stone on some elevations and bands on the building.

Number two (2) site analysis done

Number three (3) - utilities - they still need to check with KN Energy on rerouting of their gas line proposed to take west, north and then back east to get it back into Pitkin Avenue. The other pass for the utilities are all going to go under the vehicle sally port and the box culvert/tunnel will have an access on the south outside of the footprint of the building and on the north outside of the footprint will be a manhole so that if a worker is in there he/she can exit if there is an emergency in that tunnel. Also, within the footprint of the building there is no access. If someone were to get into the tunnel and wants to cause some trouble, then they can't get into the building.

Number four (4) - permits.

Weeks ago Bob stated he would try to have the special use permit and major development plan ready for submittal to the City on August 1st. The survey was late and they are behind by about 3 weeks to submit. Bob said he has discussed this with the City and it didn't seem to be a problem for anyone. All the big issues are out on the table.

Number five (5) - budgetary discussions of \$12.5 million for construction. Bob said taking everything discussed with everyone in the County and City, they are over the figure but have many ways to get it back and under the figure. \$12.5 was a loaded figures with a lot of contingencies. Unless there are other ugly discoveries and everyone has endeavored to make there won't be any ugly discoveries at this point.

Commissioner Stowe asked if the \$12.5 included the contingency? Are the base figures 90%?

Bob wants 10% contingency in reserve. There are a number of things with big dollar implications. The Pro forma put together by Allen Sartin dated June 11 included about \$350,000 to pay to the City for the tap and building fees. The City waived the fees as in-kind. Also, if the County gets the grant from Energy Impact of \$500,000, then that is to be added. Another item being looked into is whether they can use video visiting for visiting of the inmates rather than taking the public or visitors to the inmate's housing unit. If so, this will eliminate a considerable amount of floor area on the top of the building - perhaps even an entire elevator, a variety of cameras and security electronics associated with the cameras to the tune of \$200,000 or more. They have a three page list of ideas to go at lowering the cost of the building and save another 1/2 million.

Don DeFord stated the County signed off on the contracts and the release.

Bob Johnson said that assuming the presentation goes well, he would hope that one of the Commissioners would make a motion to direct his firm to move forward with design development and that compensation is set in the contract already.

Don asked the following to have a clear record: in terms of schematic design phase of Bob Johnson's project, does this include the permitting?

Bob Johnson said this is rather nebulous and have not said that the major development plan and special use permit are solely within one of these phases the first being schematic design which is being discussed here today; and design development which hopefully they will proceed with -- it's just in there somewhere -- certainly by the time they get done with design development which is likely another 6 - 8 weeks worse case, then this will be submitted. At that point the City takes it into consideration for 6 weeks subsequent to the submittal. So it maybe that they are finished with their design development prior to closing with the City on this Special Use Permit and Major Development Plan.

Don asked, in terms of design development, does that phase result in construction level drawings?

Bob Johnson - said, no.

Don asked Bob Johnson to describe just briefly for the Board what the work product is for design development.

Bob Johnson said in Design Development is they will produce more definitive solutions for all engineering systems in the building. The drawings on the wall indicate there is not much detail for an A/C system, power, or any details about the structural systems. Schematic design usually is pretty heavily pointed to architecture and site planning. Design development is where they take the other disciplines including security electronics and the food service/laundry facilities and really integrate them. This is where they are studied carefully and when they proceed with the next phase of the work called Construction Documents in the agreement then they will have all the things buttoned down. Construction Documents is where you prepare the documents used to build from and bid from.

Don clarified that this has been described as an 6 - 8 week time period, what is the their cost for the...

Bob Johnson stated \$180,000.

Don said as he recalled it was \$135,000...

Bob Johnson said it was 15% of the fee for Schematic Design; 20% of the fees, traditional percentages used.

Don clarified that these have been built into the master contract.

Bob Johnson said, yes they are.

#### Motion Needed - Summarized by Don DeFord

Don stated what he needs today is a motion to authorize Bob Johnson and Reilly/Johnson Architecture to proceed with the next phase which would be Design Development and authorize the Chair to sign a release to contract for that amount.

Tom Dalessandri said he was excited about the possibility of video visiting. He spoke with Barbara Case King and there are no concerns from a legal issue. It is a dollar savings but from the security standpoint, it is much better. This eliminates staffing issues and an array of concerns. The associated with the system is a fraction less. For Attorney/Client visits they still have the multipurpose room. Tom said legally it is fine and accepted in all of the standards. For the Attorney and Client there is no breach of privacy in the multipurpose room.. Tom said documents to review or a document that requires a contact visit can be accommodated.

#### *Schematic Design*

One question unresolved - roof structure in the sally port - if keep option of expansion - \$25,000 difference. -- this is open and needs to be nailed down - when cost is available he will present it.

3700 sq. ft. available with 3000 usable feet.

#### *Sally Port Roof Structure*



Bob Johnson asked if some money should be invested in the roof structure of the sally port as it is capable of becoming a future floor. The design loads for a roof are lighter than the design loads for a floor. If this is something to keep as an option, then now is the time to look at that possibility.

Direction

The Commissioners asked Bob to look at the cost for expansion capabilities over the sally port.

A motion was made by Commissioner Stowe that the architect be authorized to proceed with the Design Development Stage for a cost of \$180,000. Commissioner McCown seconded.

Bob Johnson stated the \$180,000 was just for professional services and there are other direct reimbursable expenses. The \$180,000 is the contracted figure for the professional services and they could have as much as \$10,000 in direct expense in addition to that.

Commissioner Stowe amended his motion to include chargeable direct expenses in addition to the \$180,000. Commissioner McCown amended his second.

Motion carried.

Chairman Martin reiterated that Bob Johnson has his direction and he should proceed to work with the Sheriff to nail down the space.

#### *Site Plan - Parking Area*

Bob Johnson pointed out the site plan on the north side of the building there is a public parking on the east. The portion that resides in the right-of-way for Pitkin Avenue, the west portion of that will be used for Sheriff's vehicles and the east portion for County Motor Pool. Then there has been created a separate drive, straight line access into the vehicle sally port. At a point there will be a mini-camera and intercom in it so communication can occur between the officer driving the arriving vehicle and the control room to actuate the door. To avoid conflict between the County employee or public in this drive, so that someone is not out there causing a problem with their vehicle and the deputies unable to control them. Public parking for 66 slots are on the east side with 6 handicapped spaces.

The Sheriff has 7 spaces and 8 for motor pool and 8 more for the law enforcement vehicles..

Bob Johnson said that a sign will be placed giving the County exclusive use of the assigned parking spaces -- authorized use only.

#### **CONSENT AGENDA**

a. Approve Bills

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the bills to be paid as presented; carried.

b. Approve Extension of Preliminary Plan Approval of the Clinetop Ranch Subdivision for One Year

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the extension of the preliminary plan for Clinetop Ranch Subdivision for one year; carried.

c. Sign Partial Release of SIA For Mountain Meadows at Prince Creek

Commissioner McCown made a motion and Commissioner Stowe seconded to authorize the Chair to sign the partial release of the SIA for Mountain Meadows at Prince Creek; carried.

d. Approve Referral of an Application from Colorado Timber & Land Company for Timber Harvest to the Planning Commission for Review.

Commissioner McCown moved to schedule this on the Commissioner's Agenda on September 13, 1999 between 2 PM and 4 PM. Commissioner Stowe seconded; carried.

e. Sing Release of SIA for the Cedars PUD Subdivision

This was not presented.

f. Sign Resolution of Approval for an Amendment to the Sun Mesa PUD

Commissioner McCown moved to authorize the Chair to sign the Resolution of Approval for an Amendment to the Sun Mesa PUD. Commissioner Stowe seconded; carried.

g. Sign Agreement with Forest Service regarding Road Reconditioning and Spot Surfacing on Four Mile Road FDR 300 within the White River National Forest  
Colorado Timber & Land

Commissioner McCown moved to approve the Chair to sign the Agreement with the forest Service as presented; Commissioner Stowe seconded. Motion carried.

#### *Coryell Ranch*

Chairman Martin requested this be set for Carbondale if logistically possible.

Staff directed to set this for Carbondale - 8:30 A.M. - Tuesday September 14 - in Carbondale and

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to this effect; carried.

John Barbee was directed to notify, advertise and post. He was also instructed to add a fifteen (15) minute slot for Citizens Not On The Agenda.

#### *Rifle Village South*

Mike Dalruple representing Dick Wheeler offered to give the County Lots 16 and 17 of Block 8. Dick Wheeler would like to give it to the Commissioners -- these are non-buildable lots. Wants it off of the tax rolls.

The Commissioners response was "no thanks," they would only be assuming the liability without having any use for the land.

#### *Fairgrounds Contracts*

Commissioner Stowe made a motion to approve the Fairgrounds Contracts for August 27 for the South Hall for PAPA Enterprises and a second contract with Pound for Pound dated August 27. Commissioner McCown seconded; carried.

### **REGULAR AGENDA**

#### ***Treasurer & Public Trustee Semi-Annual Report***

Georgia Chamberlain handed out the report and commented that a motion was needed that included directions to publish in the newspapers. The report was for the period from December 31, 1998 - June 30, 1999.

Georgia commented that the Schools are 65% of the collected property taxes.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to accept the Semi-Annual Financial Statement of the Garfield County Treasurer for December 31, 1998 through June 30, 1999 and to authorize the Treasurer to publish the report; carried.

#### ***Public Trustee Report***

Georgia included a Public Trustee Report on Fee Collections in the Treasurer's Office from First and Second Quarters on Foreclosures and also for the releases.

#### ***Report on Fee Collections***

Georgia mentioned the legislature passed this past session in which the Statute changed the Treasurer's fees that can be collected. On property taxes, she charges 2% of the collection and on any miscellaneous receipts that are not federal funds she can charge 1% collection. On school taxes they have been able to charge .5% and this legislature lowered that to one-half to .25%. This will cost us between \$40,000 and \$45,000 in collections next year. This begins January 1, 2000. The School Districts are the beneficiary of the .25%.

#### ***List of Investments - Portfolio and Interest Rates***

Georgia submitted the list as of June 30, 1999.

The Investment Committee will be meeting this Wednesday with Doug Wines who is a representative from the State Treasurer Office. They will be looking over the County's investments and review the plan and she will submit a report to the Commissioners.

Georgia explained that Alpine Bank restricts the amount of investment to \$3 million.

#### ***Remodel in the Treasurer's Office***

Georgia stated the construction work is completed. The new computers were hooked up last week.

### **BUILDING & PLANNING ISSUES:**

#### **PUBLIC MEETINGS:**

- a. Continued: Request for approval of an Exemption from the definition of subdivision.  
Located: CR 309 approximately 2 ½ miles south of Rulison, CO. Applicant: Carl and Nora Bernklau

Kit Lyon mentioned that this had been continued to allow the Bernklau's to submit to the Building and Planning an adequate source of water. She has received that proof and asked the Commissioners to approve the exemption with the 9 conditions.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

Commissioner McCown moved to approve the exemption from the definition of subdivision located on CR 309 approximately 2 ½ miles south of Rulison applicants Carl and Nora Bernklau with the recommendations of staff including No. 7 from the Rifle Fire Protection District striking the physical letter sizes in No. 4 of the recommendations.

Kit explained that the Rifle Fire Protection District asked that it be where they can easily see the house numbers from the road.

Motion carried.

***Posting of Addresses***

Commissioner McCown mentioned that the Communication Authority mentioned that E911 were having trouble with the addresses being assigned in the Subdivision not remaining consistent with addressing of numbers from the intersection of a County Road. The numbers aren't consistent from one side of the street to the other. The lack of sequential numbers is the problem.

Kit mentioned that over the years there has been a lot of people assigning the numbers and there is a lot of inconsistencies.

Commissioner McCown suggested to look at this issue with the Planning Department and E911 people because of the concern in locating residents.

***SB 35 Bingham Corner - 30 day extension - Final Exemption Plat***

Commissioner McCown moved to place this on the Consent Agenda for September 7 between 2 PM and 4 PM. Commissioner Stowe seconded; carried.

***Board of Equalization***

The Board reviewed the schedule for both Tuesday and Wednesday - August 3 and 4.

***Adjourn***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

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**AUGUST 3 AND 4, 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**BOARD OF EQUALIZATION**  
**GARFIELD COUNTY, COLORADO**

The special meeting of the Board of County Commissioners as the Board of Equalization began at 8:00 A.M. on Tuesday, August 3, 1999 and Wednesday, August 4, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present was County Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

The following appeals were heard and the decisions made:

Glenwood Industrial LLC - denied

Bobby G. and Barbara J. Boston - denied

Michael S. and Lynn Marie Alsdorf - denied

American Furniture Warehouse - denied

Kenneth C. Plum - denied

Sharlene Donelson - denied

Clarence O. and Grace S. Bates - denied

Johnsen, Goldberg, Jacobs, Berg - denied

James L. Rose - denied

Colorado Tastee Freez, Inc. - denied

Colorado Medical Investors, LP - denied

Glenwood Springs Medical Investors, LLC - granted

Bruce and Patricia Christensen - granted

Donald G. Davis - denied

Michele Pauline Diamond - denied

Steven R. and Patricia Kay Thompson - denied

Fred J. and Harriet E. Koster - denied

Stockade Storage LLC. - granted - 6 petitions

Thomas J. Triplat and John R. Schenk - granted

Conestoga Storage Partners - granted

David Johnson - granted

Cottonwood Springs LLC - granted

Donald and Jody Ensign - granted

Adjourn

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn from the Board of Equalization; carried.

Attest:

Chairman of the Board

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**AUGUST 9, 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 9, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**ADMINISTRATOR'S UPDATE**

***EPA - Safety Council***

Ed Green and Guy Meyer reported on the EPA meeting.

Guy and Ed met with several organizations around the County and EPA has provided a guidance document. Discussion was held as to having the Public Safety Council reinstated.

Guy described that the EPA wanted to see an exercise come out of this. Guy said he committed to reestablish the public safety council to try to bring groups back together and use this as a tool to get some of these statutory requirements that need to be taken care of up and running again. The Safety Council will be used as a design team for exercises to start out and through this process try to get them back in to talking on the LAPC role and various others things that had been done in the past. One of the failures of that council over the years that there wasn't any funds to do anything with and this was frustrating. Guy asked the Board to think about this during the budget process to possibly put \$1 - 2,000 into a pot so the group can get some things done that are necessary.

Ed said they made a plea to the EPA to be the champions of this and get the federal and state forces together. No one is willing to glue this together and be the source of funding and the people to get this to happen. Too many people have a partial interest in this. C-DOT, Highway Patrol.

Guy added that part of the reason was the way the State designed the Statute. They have left this in bits and pieces in various agencies at the State level without anyone coordinating with the different entities involved.

Ed suggesting having a full time resource for this as well through the state and federal levels.

The Safety Council back together is the next step.

Guy indicated they would get back to the Commissioners on this issue.

***Auditor***

Sharon Brenner of Rachilla, Cassidy and Schultz - County Auditors. She said the audit was in and going to final review and production for audit presentation. Sharon stated she was informed last week that there is a need for a letter from the County Attorney regarding litigation and potential contingencies.

The Board decided to wait until the Attorney letter is in and schedule the presentation next Monday.

***Georgia Chamberlain and Allen Sartin - Investment Committee***

Georgia said they met with Doug Wines of the State Treasurer's Office improving the yield - listen and through extending the investment. State Treasurer's Office.

State will come and review your investments and cash handling procedures in the County. We are more liquid in our investments than needed. He recommended an in-house staff person be more active or going out for a contract for an advisory. The committee recommended having an outside advisor. This advisor would be independent and their salary will be from their advise not from selling their portfolio to us. This would be done through a formal RFP process and open it up for bid. The Investment Committee agreed on this approach. The process will take about a month. This will be a more active approach to the County's money. This does not involve the jail proceeds.

Georgia explained the processes saying that one the advisor is selected then that advisor will do a more formal forecasting of the County's money and set up process and then review the investment policy. They will do one step at a time.

Motion:

Commissioner Stowe made a motion and Commissioner McCown seconded to authorize the Treasurer to proceed with the Finance Committee and pursue getting someone on board to help with the liquidity of the County finances and bring it back to the Board for final approval of the policies.

Motion carried.

***Drawing for the Airport***

Ed said the regional office of the FAA has a new computer system and they tested the VOR Equipment. They concluded that any new structure over 25' particularly a structure that' in Area C might adversely impact the readings from the VOR equipment. As a result they have mandated that we remediate this before we allow anymore building in this area.

Carolyn, Kenny and Ed will meet and negotiate.

Ed asked for approval from the Board to proceed with appropriate adjustments.

A possibility is to allow TFD to build their hangar on Parcel D. Ed said TFD would like consideration in the lease rate to make the necessary improvements in the Airport's infrastructure.

Isbill is working with the alternatives that do not influence the VOR.

## **EXECUTIVE SESSION - PERSONNEL ISSUE**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

### ***DA Contract***

Don DeFord presented the renewal contract for \$3500 for Corrections. He had reviewed it and asked for a motion to authorize the Chair to sign.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the renewal contract for Community Corrections; carried.

### ***Forest Service - Plan for the White River National Forest***

Kevin Ruden, George Foley and Gary Osier were present to give the public process for the Plan for the White River National Forest. Kevin mentioned that comments to the plan were due in 90 days and they preferred them to be submitted in writing.

Several meetings will be scheduled with public input being taken. The first will be held at First Choice Inn on October 5, 1999 from 4 - 7 P.M.

Kevin gave a summary of the plan saying they started looking at it in 1991. The Executive Summary is intended to be an understanding of how they got where they are. This is available on the Internet, CD ROM, and the full set of documents. Most people are satisfied with the Executive Summary but 1100 folks wanted the full set of documents. The approach for alternatives was based on comments on a nationwide basis; and the group based these comments on themes and attempted to match -- recreation, travel management, watershed and road health. Then they did the analysis. It making the final decisions, they will make a total of three based (1) plan - the Forest Plan is like County Zoning - for land allocation decisions; and they will make 2 site specific decisions based on the information contained in the draft plan. (1) is the vacant range allotments; and (2) on travel management -- this is how they will manage specific roads -- open/close/seasonal closure, etc. They did identify 53 vacant allotments currently.

Decision - Regional Lyle Laverty and local Martha Ketelle will make the decision and Martha Ketelle.

### ***Home Rule Charter Committee***

Mildred gave an update. She has the legal notice going into the newspaper this morning if the Board adopts the Resolution containing the Ballot Question.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Resolution submitting to the registered electors of Garfield County at the election to be held on the 2nd day of November, 1999, certain ballot questions which would establish a Home Rule Charter Commission for the purpose of developing a Home Rule Charter for Garfield County and a separate Ballot Question submitting to the registered electors of Garfield County the question of establishing a property tax mill levy to fund the expenses of a Charter Commission if formation of that Commission is approved; carried.

## **PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA**

### ***Jacque Claudon - Transfer Trail - SUP for the Caves***

Jacque Claudon reported that the vans are exceeding the number of passengers. He checked on the number of vans allowed which is 30 per day. He also checked into the intent of the law regarding a van versus a bus. He got copies of the registrations and those indicate they are registered as an adult 20 passenger. They are hauling 28. They have seats for 25 plus the driver and 2 standing tour guides. The problem is mainly with the road. It is too steep and narrow; the road has been graded twice but as soon as it rains there are washboards and the road won't handle the traffic. The road needs to be improved. BLM told Jacque

that the road would be improved -- the lower portion this year. Now it isn't going to happen because the funding didn't come through.

***Charles Ryden and Dennis Davidson - Soil Conservation***

They were asking Garfield County to be the lead again by signing a letter asking the State Soil Conservation to implement emergency watershed program so they can start getting federal funds to do the reclamation work on the fire area. They are asking 75% under the program then the landowners pick up the other 25%. The Garfield Commissioners, taxing authority and ability, so that if a land owner doesn't pick up his 25% they can attach it to his taxes. Dennis didn't think there was a problem as Battlement Mesa was planning to pick up the other 25% of the cost of replanting with seeds.

cosponsoring burn - soil conservation

The amount of \$24,913.00 includes the ground crew on the day of planting; the development of the aviation plan - picked up by BLM. The flight plan as well as providing the ground crew is included. The helicopter is estimated at \$5000; fuel trucks at \$250.00 renting seed bucket supplies - \$300; erosion control work down in the gully -- hay and wooden stakes. The largest expense is the seed itself-- alms \$10,000. A total of \$24,913.00 was estimated.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a letter for cooperation to the Natural Resource Conservation Service indicating our participation along with the Conservation District and Battlement Mesa, Inc.;  
carried.

**SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

**PUBLIC HEARING: LIQUOR LICENSE - SPECIAL EVENTS GARFIELD COUNTY REPUBLICAN PARTY**

Mildred Alsdorf, Carole Brown, Jim Larson and Don DeFord were present.

Mildred Alsdorf stated that this was a request for a special events liquor license for the Garfield County Republican party who planned to hold an event on Sunday, August 29.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the issuance of the special events liquor license for the Garfield County Republican Party; carried.

**CONSENT AGENDA 1-3983**

Chairman Martin requested input as to items considered on the **Consent Agenda**.

- A. Approve Bills
- B. Approve Liquor License Renewal: Rainbow Hospitality - Sunlight Mountain, Inc.
- C. Sign Amended Plat for Lot 3, Cedar Ridge Subdivision & Lot 1, Block 3, Amended Riverbend Subdivision Filing No. 2 No Plat
- D. Approve Resolution and Permit for a Special Use Permit for Ballard Petroleum to allow for the operation of a water pit at the site identified in the application and the repeal of Resolution #96-21.
- E. Approve Resolution concerned with Zone Text Amendment to Aspen Glen Planned Unit Development Plan for the Aspen Glen Golf Company
- F. Approve Issuance of a Special Use Permit for Patrician Gleason to allow outdoor storage in the A/R/RD zone district as approved by Resolution #99-063.
- G. Approve Resolution concerned with the denial of a zone district text amendment for Robert O. Klein at the site identified in the application.
- H. Approve Resolution and a Special Use Permit for Trans Colorado Gas Transmission Company to allow for the placement and operation of a natural gas transmission line at the site identified in the application.

Commissioner Stowe moved to approve the consent agenda less Item C. Commissioner McCown seconded. Motion carried.

***Special Use Permit - Acted upon but not yet signed. Timber harvest Larry & Virginia Schmueser.***

Commissioner McCown moved to authorize the Chair to sign a Resolution and Special Use Permit for Larry and Virginia Schmueser. Commissioner Stowe seconded; carried.

***Cook Exemption - Extension***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request by letter of the Cook Exemption; grant a waiver of the 120 days; and set this for November 8, 1999 at 2:00 P.M.; carried.

***Assisted Living - September 8 - Grand Opening 4 - 8 P.M.***

Tom Beard issued a personal invitation to the Board to attend the grand opening.

***RFRHA***

Chairman Martin mentioned there was a request for a referral to the Planning and Zoning from the Board of County Commissioners from RFRHA on the request to present part of their Comprehensive Plan on the Trails and Access Plan. It's been the Board's position that they present their entire Comprehensive Plan before they submit sections of it -- either submit in full not in part. This Board does not have any authority as to what they schedule. This Board has requested from staff to be made aware of any requests by RFRHA. This Board needs to make a recommendation back to the Planning Commission if they schedule it for a review; informational; or to accept or deny.

Commissioner Stowe suggested making the Planning & Zoning knowledgeable on the stand of the County Commissioners.

Commissioner McCown mentioned we do not allow for any other entity to submit an incomplete application and therefore this should be directed back to the Planning & Zoning and so direct staff to do so in writing.

**REGULAR AGENDA**

**AMERICAN SODA NOTICE OF INTENT TO APPLY FOR FISCAL IMPACT ANALYSIS**

Jim Leuthueser, Mark Bean, Scott Balcomb and Charles Bates were present.

Mark Bean submitted a letter from Scott Balcomb of Balcomb and Green, P.C. regarding American Soda, LLP - Request for Exemption from the Garfield County Fiscal Mitigation Program and Statement of Intent to apply.

The statement of intent to apply pursuant to Section 5.08.04.01 of the Fiscal Mitigation Program as contained in the Garfield County Zoning Resolution of 1978, as amended was submitted on August 4, 1999.

American Soda requested that the Garfield Board of County Commissioners grant it an exemption from all the requirements of the County Fiscal Impact Mitigation Program which might pertain to Resolution No. 99-054 and No. 99-055.

Dennis Stranger 4834 just began the monitoring program this week. They have never exceeded the 200 employee limit on the project. Monday through Friday of this last week they were at 180.

Scott Balcomb mentioned there were three special use permits involved. Two of those granted require American Soda to meet any requirements of the Fiscal Mitigation Program and has been interpreted today as putting a cap on the workhorse of 200 employees. They would like to request the Board to consider for the purpose of the two permits already granted that they be exempted from further restrictions imposed by the Fiscal Mitigation Program. The regulations give the Board the discretion to exempt American Soda from the process. They are not asking to be exempted from the whole project just from further compliance with the two Sups that have already been granted. They will come in soon with the 3rd SUP request. A fiscal analysis has already been analysis has been implement that will be applied to the total work force. The exemption they are seeking is a temporary request and it will be followed by a fully executed fiscal impact analysis.

Mayor of Parachute John Loschke commented that they are capable of absorbing this hit and do not have any problems with it.

Tom Beard - President of Battlement Mesa Company stated there is sufficient housing existing to accommodate the workers. He added that they didn't see any negative impacts from this.

Charlie Bates said the Garfield County contractors are the ones being held up in work.

Dennis Stranger - Glenwood Consultant - has been hired by American Soda to conduct a fiscal impact analysis. He reported that the company has not reached the 200 worker threshold and have been averaging between 170 and 180 last week.

Scott Balcomb agreed but stated this will change soon and as many as 300 workers are expected to be on the job by the end of August.

Jim Leuthueser referenced condition no. 19 in the regulation for the Special Use Permit (SUP): "the applicant shall meet all requirements of the Fiscal Mitigation Program as may be required for the construction operation of this facility." The Zoning Resolution - 5.08.03 gives the Board the authority to



waive not only individual parts or requirements of that program, but there is authority to waive the entire program.

Mark Bean stated the Board needs to make two separate motions:

1) is related to condition no. 19 in the existing permit; and 2) is related to the future permit applied for the pipeline.

Directions stated by Scott Balcomb - the notice of intent has already been filed for fiscal impact analysis; within 10 days to 2 weeks filing their analysis - hired a consultant to work with Dennis Stranger to work with our idea of what the impacts are and data on the work force. Then analysis what Dennis Stranger is getting as input; expect to be back here in about one month with an idea of where they will come out on the process - whether they will be entitled to specific exemptions within that process or if an overall agreement has been worked out in mitigation.

Dennis Stranger said they will first go through what is called the pre-application process. At that time the Mayor's concerns and many others will at least be identified and they will have a good project description and take the first cut at identifying the entities that will be impacted.

Commissioner Stowe made a motion to grant the request for exemption from Garfield County Fiscal Mitigation Program be approved for a period of 90 days to comply with the numbers as outlined in the American Soda Ash staffing for the Parachute site for the number in August indicated of a maximum of 378; September 350, October 383 and that we will re-meet on November 8th to reconsider if this will be extended or to approve the final plan.

Commissioner McCown seconded; carried.

#### **BUILDING & PLANNING ISSUES - PUBLIC HEARINGS/PUBLIC MEETINGS**

#### **CONTINUED PUBLIC HEARING: ST. FINNBAR SUBDIVISION. LOCATED: APPROXIMATELY 3 MILES EAST OF CARBONDALE OFF CR 100, ¼ MILE SOUTH OF CATHERINE'S STORE**

Mark Bean, Jim Leuthueser and Ron Liston were present.

Mark stated he received a phone call from the applicant's planner indicating that an agreement had been reached between the St. Finnbar owners and the Ranch at the Roaring Fork homeowners regarding sewage treatment. A letter from Land Design Partnership was submitted stating the executed agreement between the Ranch at Roaring Fork and St. Finnbar Land Company to provide central sewer service to the St.

Finnbar Farm Subdivision as well as a copy

of a letter from the State approving their Site Permit for an extended sewer treatment facility need to be reviewed by the staff.

Additionally, Ron stated in the letter that the St. Finnbar Land Company waives any regulatory requirements that said hearing be held or completed within a specified period of time.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to schedule this for September 8; carried.

#### **REQUEST FOR APPROVAL FOR SIMMONS SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT. LOCATED RED CANYON RANCH, GLENWOOD SPRINGS, CO. APPLICANT: F. PETER AND DOROTHY M. SIMMONS**

Kit Lyon, Jim Leuthueser, and for Dana Yerian of Daybreak Construction Specialties, Inc. for Peter Simmons were present.

Jim determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts;

Exhibit C - Garfield County Zoning Regulations; Exhibit D - Garfield County Comprehensive Plan;

Exhibit E - Staff Report with Attachments

Chairman Martin entered Exhibits A - E into the record.

This is a request for review of a Special Use Permit to allow for an accessory dwelling unit for Pete and Dorothy Simmons located at Red Canyon Ranch with access off CR 115.

The Applicant proposes to convert an existing barn into an accessory dwelling unit for the purpose of housing their personal assistant.

Recommendation:

Staff recommends APPROVAL with the following conditions:

*To ensure that the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County:* 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.

*Pursuant to Title 30, Article 28, and Title 29, Article 20 of the Colorado Revised Statutes:* That the applicant meet all requirements of the Garfield County Zoning Resolution of 1978, as amended.

*To ensure that the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County:* That all State and Local health standards be met and that the applicant acquire an adequate ISDS permit at the building permit stage.

*Pursuant to Section 5.03.021.(7):*

That the accessory dwelling unit complies with the Uniform Building Code adopted by the County.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for Simmons Special Use Permit for an accessory dwelling unit located at Red Canyon Ranch for Peter and Dorothy Simmons with the 4 conditions; carried.

**REQUEST FOR APPROVAL FOR REGULSKI ZONE MAP AMENDMENT FROM THE AGRICULTURAL INDUSTRIAL TO THE COMMERCIAL GENERAL ZONE DISTRICT. LOCATED: AN 8 ACRE PARCEL IN SECTION 11, TOWNSHIP 6 SOUTH, RANGE 92, ONE AND ONE-HALF MILES EAST OF RIFLE, CO. ON COUNTY ROAD 221. APPLICANT: ROBERT REGULSKI**

Jim Leuthueser, John Barbee, Tom Stuver and Robert Regulski were present.

Jim determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

John presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Regulations; Exhibit D - Garfield County Comprehensive Plan; and

Exhibit E - Staff Report and Attachments

Chairman Martin entered Exhibits A - E into the record.

This is a zone map amendment for Robert Regulski, Rifle Ski Corporation on a 8 acre tract of land located off CR 221 in Rifle.

The applicant is requesting to amend the zoning from Agricultural Industrial (A/I) to Commercial General (C/G).

Tom Stuver - Exhibit F- letter from William H. Dubois. The letter was read into the record. He stated that this sliver of property was inadvertently omitted when rezoned. The 8 acre tract is part of the George and Ardis Green were in the audience. George Green was sworn in for testimony.

George Green said he was here in support of the applicant's request.

Bob Regulski has a building permit to build and needs this zoning approved. He said it was part of the plan to rezone this tract and has been used as commercial since he's been there.

Tom Stuver said that at the time the 8 acre tract was purchased he and Mark Bean were under the assumption that it was commercially zoned. This 8 acre tract will become a part of the 40 acre tract.

Recommendation:

The Planning Commission recommends APPROVAL.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the zone map amendment; carried.

**REQUEST FOR APPROVAL FOR TOLER SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT. LOCATED: 361 COUNTY ROAD 311, SILT, CO., ¼ OF A MILE SOUTH OF SILT. APPLICANT: THOM TOLER**

John Barbee, Jim Leuthueser, and were present

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to place this on the Commissioner's agenda for a hearing; carried.

**REQUEST FOR APPROVAL FOR RAKICH/TERLIAMIS AMENDED EXEMPTION PLAT AND BOUNDARY LINE ADJUSTMENT. LOCATED: TRACT OF LAND SITUATED SOUTH OF GLENWOOD SPRINGS NEAR THE INTERSECTION OF COUNTY ROAD 114 AND HWY. 82. APPLICANT: ROY RAKICH AND NICK TERLIAMIS**

Kit Lyon and Jim Leuthueser were present.

Jim determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Kit met with Don DeFord and he and all felt comfortable with this request.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the recommendation made by staff; carried.

***Adjourn***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

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**AUGUST 16 , 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 16, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**ADMINISTRATOR'S UPDATE**

Ed Green gave his report that consisted of the following items:

***Approval of Bids for Motor Pool Vehicles***

Ed gave the bids for the vehicles for sale:

Dan Sparkman bid for the vehicles for the 1990 Ford Pickup - \$1078; and the 1995 Crown Victoria - \$879.00.

Ed recommended both vehicles be awarded to Mr. Sparkman.

Since there were no bids on the other vehicles he asked if the Board wanted to wait and trade them in on the next new vehicles.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the bids from Dan Sparkman on the '90 Ford Pick-up \$1078 and the \$879 for the '95 Crown Victoria; carried.

Commissioner McCown recommended that in the future we look at trading these vehicles in versus placing them up for bid.

***Road and Bridge Progress Against Projects***

Ed met with Road and Bridge and every one of the projects is on schedule. Some or all will be finished ahead of schedule. The key factor is attributed to the organization's ability to meet these targets, the adoption of project scheduling from the activities, stated the schedule makes it visible to each supervisor, and stimulates some healthy competition generating a positive result.

This year they established some specialty crews which crossed the traditional road district lines and make the work processes more efficient. With the extra slack time they will be focusing on hot mix patch work to make it easier to plow this winter, some additional blading and graveling -- as well as pulling ditches not accomplished in that schedule.

***CR 320 and CR 314***

Chairman Martin reported concerns that had been addressed to him on CR 320 and CR 314 regarding culverts and blading. These issues need to be addressed.

***Relocation of Road and Bridge Administrative Functions***

Ed reported during discussions held last week, the administrative functions were discussed and proposed to be moved to the Rifle area.

***The Rifle Bridge***

Ed presented a map showing the property lines and it appears the County and the State jointly own the bridge. In 1974 the County effected the condemnation procedures in the two parcels, (now is part of the rest area). The parcels used to be defined per the meander line of the river but in the last few years this has changed and the description of the property goes to the center of the river. The enter of the river in relation to this bridge, about 75% of the bridge now is related to those two parcels of land. The State owns the other side of the bank.

Ed said he placed a lot of calls with appropriate representation of the State however, he was unable to get in touch with anyone due to vacations.

Some alternatives were discussed with Rifle City Manager Selby Myers Friday and proposed the possibility of this being a trail. Selby will approach the City Council to see if there is interest. There is a trail that goes around the lake at the rest area and there is a trail along the river. It is possible to integrate the two and make a nice long walking trail. The problem is going over those rail road tracks in a cost effective way.

***Approval of In-City Tap Fees for Fire Station - Regional Fire Station***

Ed reported that the Rifle City Council opted to allow the Rifle Fire District to have in-city tap fee rates. This takes the total liability on the project from about \$34,000 down to \$17,000. Based on Bob Szrot's analysis it doesn't look like the County is at risk on the two major projects and suggested absorbing the \$17,000. The County was formally obligated to \$12,500.

Commissioner McCown stated he didn't have a problem letting the Fire Department use the taps but he wanted to pursue the language Stuver & George is preparing for the County.

#### ***The Henry Building Lease***

Negotiations are continuing on the building and there will be about 3,000 sq. ft. space to appropriate to uses besides the Probation requirement. If the Clerk & Recorder's office moves to that location then the two pods she occupies at the Taughenbaugh could be utilized for the Road and Bridge Administrative functions. The Board did not have any objections to this move.

Tom Stuver has prepared a draft based upon the most recent discussions regarding the matter. The concern is obligating future boards. Don DeFord has a copy of the draft for review that basically is a termination liability and if the County opts to bail out the first year starting with January 2000 we'd pay a termination liability of \$41,000; the second year it goes down to \$29,000 and the third year it goes down to \$15,000. The only other wrinkle to this is that they want an adjustment in the fourth and fifth year based on the incremental increase in property taxes should this occur. Everything else is the same as discussed in the past. Ed said he would like to proceed with this assuming that Don doesn't have any problem of the termination liability and the Board the same. He asked for the Board to authorize execution assuming that it is approved by Don.

A motion was made by Commissioner McCown to authorize the Chair the agreement leasing the Henry Building upon the County Attorney's review and approval of the document. Commissioner Stowe seconded.

Clarification was made in year 4 and 5 that the incremental was only in percentage as to the property tax. Motion carried.

#### ***C-DOT - Mud Slide - County Assisted***

C-DOT expressed thanks for the County Road and Bridge pitching in to clear the mud from the slide last week. It would have taken C-DOT much longer to clean it up had they not had the help.

Chairman Martin suggested that a letter be sent to the crew at Road and Bridge in appreciation for their extra hours they put in.

#### ***Engineering Contract for Extension of Water Line and Sewer Line at Rifle Property***

Ed said the engineering contract was received from Schmeuser Gordon Meyer in association with the extension. This totals about \$85,000 and includes construction management of about \$25,000.

#### ***Movies in Garfield County***

Mark was approached by Ms. Ziska Childs representing some movie industry folks regarding filming movies in Garfield County in the near future. There are some permits under Special Use for public gatherings but nothing under 500. Such rules would govern public roads and other facilities. The question that Mark asked was if he should proceed with the development of such governing policies. Ms. Childs recommended the County establish those because she thinks there will be a lot of activity and a lot of interest in movie making in Garfield County.

Chairman Martin agreed that some type of control was necessary for security, traffic control, etc.

Ed said they would try to benchmark this and see what other policies exist and adopt them that way.

#### ***Meeting with Tim Sarmo - Energy Impact***

Ed, Tom Dalessandri, Dale and Allen will meet with him on Tuesday, August 17.

#### ***Baxter Pass***

Ed passed around some photos Marvin had taken of Baxter Pass. There has been a lot of work done on the road. Marvin will do the lower portion this week.

#### **COUNTY ATTORNEY'S UPDATE**

Don DeFord presented a discussion on the *Extension of Fire Ban*.

Guy Meyer reported that the fuel moisture content was such that a Fire Ban was not necessary.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to not renew the Fire Ban at this time; carried.

#### **PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Al Maggard referenced the letter sent to the Board inviting them to the annual review of the goals and objectives of the Community Correction's Board. This year it will be held in Grand Junction on Friday and Saturday - October 22 - 23. - 1-249 - The meeting will be attended by the Grand Junction Board of Corrections and the Garfield County Community Corrections. The Corrections Board invited the Board of County Commissioners to attend and participate in the direction of the Board. The discussion will be on increasing the operation of the Community Corrections' Board.

Ray Slaughter, new director of the Criminal Justice was present at the quarterly meeting of the Corrections Board Association held in Alamosa August 6 and 7.

Chairman Martin indicated that a tour of the new Mesa County Community Correction would also be a beneficial feature to this meeting.

Al requested the 3 additional members be added to fill the fanciness on the current Community Correction's Board. He asked for a volunteer from Rifle be appointed.

The Commissioners asked for an updated roster of members be given to them; and requested that Ed publish a notice to enlist new members.

Al suggested that at the October meeting the role of the Jail Advisory Board be discussed.

### **SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

#### ***Review Animal Control Resolution***

Don DeFord gave the Commissioners a review of the Animal Control Resolution.

Discussion was held.

Commissioner McCown said he foresees a fiscal impact to the County for boarding animals in violation.

Also in the section of "guard dog" - sheep dogs are very protective and when they become overly domesticated they still are very protective. Interpreting and enforcing needs to be clear and he didn't want sheep farmers to jeopardize their herd.

Jim Sears explained that prior to a summons being issued in any case like this would be reviewed by Don DeFord. There was an instance earlier where a sheep dog bit a person that got too close to the sheep herd. A summons was not issued.

Boarding Dogs - Jim explained that there was no place to board an animal and direction will be given to the dog owner to contain the dog or board it at the local vet.

The responsibilities under state law remain the same.

Don explained that this resolution does not impose responsibility of the County to board an animal and bear the expense.

Jim Sears said he didn't expect to have any additional staff to carry out this Resolution.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Animal Control Resolution.

Don stated this was effective upon adoption and his recommendation was to publish the entire amendment in order that the public knows the Board has implemented a new Ordinance.

Chairman Martin wanted to make sure that all staff became aware of the new Ordinance.

Commissioner McCown asked that the officers review, track problems and report back to the Board. His concern is the awareness of the public and wanted to make sure this didn't necessitate a huge increase in staff for the Sheriff.

Motion carried.

### **BUILDING & PLANNING ISSUES:**

#### **PUBLIC HEARINGS/PUBLIC MEETINGS:**

**REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT TO ALLOW EXPANSION OF NON-CONFORMING USE. LOCATED: 17776 HIGHWAY 82, BETWEEN EL JEBEL AND CARBONDALE, CO. APPLICANT: ALPINE ANIMAL HOSPITAL**

Kit Lyon, Jim Leuthueser and Charles Roeber were present.

Don determined that adequate and proper posting and notification were in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Resolution; and Exhibit D - Staff Report and Attachments.

Chairman Martin submitted Exhibits A - D into the record.

Kit said that this is a request for review of a Special Use Permit to allow for expansion of a veterinary clinic. The request is to expand the 3,100 sq. ft. facility with a 1,400 sq. ft. addition.

Kit reviewed the staff report and explained the description of the proposal; major issues and concerns; suggested findings; and recommendation.

Dr. Charles Roeber clarified the staff report explaining the parking plans, need for more staff, and history of the facility. He said this is not a proposal to build a huge pet care facility. It was originally built in 1967 but growth has increased in staff and doctors. Space is a big issue.

Recommendation:

Staff recommends APPROVAL with the following conditions:

*To ensure that the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County:* 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 has made statements, among others, in the application that there will be no significant increase in people (7) pets (approximately 30 patients/day, traffic (approximately 50 car trips/day), impact or kennels. A significant increase shall require the Special Use Permit be amended via a public hearing process.

*Pursuant to Title 30, Article 28, and Title 29, Article 20 of the Colorado Revised Statutes:* That the applicant meet all requirements of the Garfield County Zoning Resolution of 1978, as amended.

*To ensure that the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County:* That the all State and Local health standards be met and the applicant comply with the building code adopted by Garfield County.

Kit said she was not concerned about the parking but suggested to amend from 7 to 9 staff.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request for a Special Use Permit to allow for expansion of a veterinary clinic incorporating the recommendation of staff and leave in the 22 parking spaces; carried.

### **Fairgrounds**

Ed mentioned that guidelines should be defined as to the use of the use at the Fairgrounds.

A Resolution on uses was one suggestion. Ed was directed to draft this for the Board's review.

### **Engineering Review - Sanders Ranch**

Commissioner McCown moved to authorize the Chair to sign the Agreement with Wright Water Engineers for all aspects of the Sanders Ranch plan. Under the terms of the contract all expenses are reimbursable by the applicant.

### **0 Commissioner Stowe seconded. Motion carried.**

The Commissioners requested a copy of the list of activities submitted by the County Engineer, Bob Szrot for he and his assistant projected to keep them busy until the end of 1999.

### **Northwest COG - A Forum at CMC - White River National Forest**

Commissioner Stowe announced the Northwest COG meeting to be held on September 8, 1999. The subject of the Forum will be on the White River National Forest.

### **AIRPORT**

Don DeFord, Ken Maenpa, Sam Houston, Andy Delanis and Ed Green were present.

### **The Flight Department Lease Agreement Execution**

Discussion was held.

Don said that Carolyn Dalghren was on vacation and he was handling this.

Ken explained that the two parties wanted to build hangars at the Airport. They worked out a lease of about 47,000 sq. ft. on parcel D. They can terminate by November 1 if they are unable to get everything worked out. A credit of \$500 will be given as they are having to construct an asphalt ramp. They will be required to hook up to the sewer system and use the access road.

The performance bond versus a letter of credit was discussed. Ed said it would be easier to allow them to issue a letter of credit. Don did not have a problem with a letter of credit.

Andy Deramus said the 100 x 100 foot ramp would be owned by the County and pointed out the benefits. Ken said the Airport was done in the 70's with the updates and now there is no doubt as to the Airport living up to the expectations.

Andy Deramus stated he was pleased with the team consisting of the Assistant County Attorney and the Airport Manager. He was pleased with the Master Plan as well.

Ken explained the Y or T to hook up to the current system and then hook into the new system.

\$2500 credit for 5 years. \$25,000 toward the asphalt ramp.

Bob Houston mentioned the conversations with the FAA and Nance Early's pre-approval of parcel D.

Ken said this was a temporary fix for the VOR navigational aid by moving this hangar to Parcel D.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Flight Department Lease Agreement as outlined today. It was clarified that the letter of credit was included in the motion. Commissioner Stowe verified his second to this clarification; carried.

Andy Deramus added that Aspen is not able to expand plus there is a problem with housing. There are no more hangars and people with big airplanes are leaving them in the open. It cost \$1800 to de-ice a plane and \$50,000 to repaint. The growth of light, medium and large planes is projected for Rifle. On Parcel D they do not have the limitations as with Parcel C. Therefore, they were real pleased with the agreement.

***Update Zulu Gulf Lease Execution***

This was not ready for execution today.

**CONSENT AGENDA**

***Approve Bills***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the bills; carried.

***Resolution - Denial - Fish - SUP and CUP***

A motion was made by Commissioner and seconded by Commissioner to authorize the Chair to sign a Resolution concerned with the denial of a Special Use Permit Application and a Conditional Use Permit Application for: one (1) accessory dwelling unit, and to place building improvements including a studio, in the floodplain; carried.

***Resolution - - Kirk - SUP***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a Resolution concerned with the approval of a Special Use Permit application for one (1) accessory dwelling unit for Susan Kirk; carried.

***Sign Amended Final Plat for the Peaks at Aspen Glen, Filing No. 2, Lots F, G and H***

***Approve Final Plat and SIA for Fairways at Aspen Glen***

***Sign Amended Jammaron Exemption Plat***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the remaining consent agenda items consisting of the Aspen Glen Peaks, Fairways and Jammaron Exemption Plat; carried.

***Knox Conditional Use Permit - Air Strip - Public Hearing Request***

Commissioner McCown mentioned a request was submitted on the Knox Conditional Use Permit for an Air Strip for September 20 between the 10:30 and 12:00 P.M. He put this in the form of a motion.

Commissioner Stowe seconded; carried.

***Fixed Guideway***

Chairman Martin said that Miller Hudson sent a letter regarding the Fixed Guideway financial support they requested from this Board. He requested to address the Board. The motion previously made by Chairman Martin to contribute \$9,000 was denied. The Board voted not to participate. Minutes were sent but he is being persistent.

A time was set on September 20, 1999 at 10:00 A.M.

***RFRHA - Update***

Chairman Martin provided the Board on an update regarding RFRHA saying there was an agreement with Pete Dearness and RFRHA regarding freight; however there is the need for a new board that deals with the Conservation Easement and Trail. Aspen Valley Land and Trust is of this opinion and they are forming a new group.

Agreement to join a new trust called the Roaring Fork Land Authority (RLC) - Garfield County has agreed to in theory. The formation and requirements of what is necessary were submitted. Chairman Martin asked if the other two Commissioners would review this and hold discussion at a later meeting.

***Electronic Transfer - Battlement Mesa - Pass Through***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to approve the Treasurer to electronic transfer \$89,981.00 for the Battlement Mesa Assisted Living; carried.

**REGULAR AGENDA - CONTRACTS REVIEW & SIGNATURES**

***Board of Health***

***Senior Wellness Series Pilot in Rifle (Rifle Renegades)***

Lisa mentioned the senior wellness had asked public health to participate in a pilot program for Rifle.

***Specialty Clinics***



Lisa mentioned that the Cardiac Clinic will be held on August 12, 1999; Neuro Clinic in September; and the Rehab on August 30 and September 30. Flu Clinics will be held at Ben Rex, Columbine Market, City Markets, and Safeway. She said dates would be announced later.

#### ***Healthy Beginnings***

Lisa Pavislick stated that the Healthy Beginnings program is fully staffed.

They have 104 patients; 16 postpartum cases. They are doing approximately 21 intakes per month.

The new contract year with the State Department is underway and collaboration with Grand River Medical Clinic -- the outreach for medically indigent women in that area has not been as successful as they have tried to make it. Lisa said she has done over 10 orientations with them and they are still struggling to get women onto that program. Therefore, they are looking at doing an expansion of Healthy Beginnings at the Public Health Department using our midwives and program model. The State would extend those 45 slots directly to Healthy Beginnings to do this care.

#### ***Community Health Center at Columbine***

They received the full federal funding and it will be located at Dr. Slater's old space at 420 - 19th Street donated by Valley View Hospital and it is slated to open on September 7, 1999. Mary will be on the Board of Directors and Lisa will be on the Advisory Board. They will not be providing overlapping services such as prenatal.

#### ***Miles for Smiles - Dental***

They hired a staff person that will begin on September 9, 1999. This is under Title X and State Monies.

#### ***Decision - Governor Owens - Funding for Abortions***

Denise Williams, director of planned parenthood concerned with the decision made by Governor Owens and some funds will be lost for indigent persons in the program.

#### ***Budget Narrative - Public Health***

Public Health submitted their budget narrative and said that the format was determined by Allen Sartin for the Public Health budget 2000.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Health; carried.

#### ***Florence Award***

Lisa presented a letter written by Laurel Little that was addressed to the CCNA Nominating Committee for the Commissioners to review and asked for their endorsement to nominate Mary Meisner for the Florence Award. She added that this would be a surprise to Mary.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to support the nomination for Mary Meisner for the Florence Award.

Lisa said this would be during the Public Health Convention to be held on Sept. 22 - 25 in Estes Park. Chairman Martin suggested that an added Signature Page to include all the signatures needed for the nomination.

Motion carried.

### **HUMAN SERVICES COMMISSION**

Lisa Pavislick presented the Y2K Funding Worksheet that consisted of the following:

Carole Brown, Margaret Long, Dana Damm and Kathy Lechuga were present.

Lisa stated that there would be a 5% increased in the funding request. They met on Thursday, 9 people served on the Committee - Carole Brown, Dana Damm, Ed Green, Margaret Long, Kathy Lech Larry and Pat McCarty were unavailable but reviewed them and recommended funding:

Agency	1999 Funding	Requested	Recommendation
Advocate Safehouse	\$ 7,584.00	\$ 9,000.00	\$ 7,600.00
Asistencia para Latinos	5,000.00	5,000.00	5,000.00
Aspen/Basalt Care Clinic	n/a	5,500.00	-----
Aspen Foundation	1,000.00	1,000.00	1,000.00
Carbondale Family Resource Center	n/a	3,000.00	1,500.00
Chipeta Girl Scouts	n/a	5,000.00	-----
CMC Senior Nutrition	3,500.00	5,000.00	4,000.00
CMC Senior RSVP	10,500.00	14,000.00	11,000.00
CMC Senior Transp	19,000.00	25,000.00	21,000.00
Colorado West MHC	24,500.00	26,361.00	24,500.00
CO West Recovery	24,500.00	25,000.00	25,000.00

Columbine Home			
Health	3,000.00	9,000.00	7,000.00
Cooper Corner	2,500.00	3,000.00	3,000.00
Family Visitor	20,000.00	22,500.00	20,000.00
Garfield Legal	6,500.00	7,000.00	7,000.00
Garfield Youth	14,500.00	14,500.00	14,500.00
Literacy Outreach	8,000.00	10,000.00	9,000.00
Mtn Developmental	25,000.00	35,000.00	29,000.00
Planned Parenthood	4,500.00	6,000.00	4,750.00

A brief explanation was given on each one.

Advocate Safehouse - strong community organization. Substantial increase in #'s served compared to 1998 statistics. Continues history of reasonable requests.

Assistencia Para Latinos - unique and necessary community service. This is a shoestring operation providing a large and valuable service.

Aspen-Basalt Care Clinic - although the committee recognizes and appreciates the work ABCC has done and is doing, there is not a substantial Garfield County caseload at this clinic. Also, steps have been taken within the Garfield County community to address indigent medical care and a new Community Health Clinic is opening on September 7, 1999 for this purpose.

Aspen Foundation Outreach - A great investment in our community. Could the volunteer guides be placed in Chamber of commerce outlets for newcomers who may be seeking volunteer opportunities?

Carbondale Family Resource Center - This linkage service is extremely important for care access. Well written grant. Would like to see the Town of Carbondale support at a higher monetary level.

Chipeta Girl Scouts - Committee would like to give directly to local troops, not to a general council to ensure the dollars are spent in Garfield County for its residents. If in the future a methodology were in place in Garfield County for its residents. If in the future a methodology were in place, then an application would then be considered.

CMC Senior Nutrition - Committee recognizes costs are increasing. Program assists in social contact and identifying needs as well as providing a nutritional meal.

CMC RSVP - Functions as a nonprofit volunteer staffing agency. Is a needed service as it leverages and assists other nonprofit agencies.

CMC Traveler - Is a special needs transportation organization. Important resource for maintaining individuals in their homes (independence). Possibly consider GARCO line item under Transit Authority.

Colorado West Mental Health - Crisis service is essential to community. Where is the 23 hour bed located?

Would like to see the Garfield County budget broken out from overall budget. What are the mandated services per the Colorado Dept. of Human Services contract? What are the mental health issues your agency is currently facing in Garfield County?

Colorado West Recovery Center - Apparent restructuring efforts are financially responsible and will increase overall agency efficiency. Please note on committee member experienced difficulty referring to detox and was sent to VVH because service was unavailable.

Columbine Home Health - Excellent and needed program for maintaining Senior independence. Good collaborations. Might consider the recruitment of additional skilled volunteers and adding a volunteer coordinator position.

Cooper Corner - Valuable community resource. This service is invaluable to and for caregivers. Hang in There!!!!

Family Visitor Program - Serves many families across the economic and cultural spectrum. Wonderful agency.

Garfield Legal Services - Educational agency. Small budget with a big bang. Reasonable request.

Garfield Youth Services - Local funding enables flexibility in programming that is appropriate four region.

Literacy Outreach - May try to seek funding from large local employers. Would like to see concentration on all literacy issues and less on ESL programming. Volunteer usage is great.

Mountain Valley Development - Significant increase in the # of family support cases. Staffing support needs are large.

Planned Parenthood - More local statistics are recommended. County will check statutes re: government funds supporting PPRM in lieu of recent CO State Title X stance. What is the total # of GARCO family planning patients. Grant is for colpos and cryos... is there YTD data regarding the 1999 HSC grant award?

Lisa said that during the 1999 year the budget was at \$185,184.00. For 2000 the budget was projected at \$194,850.00 and that includes the 5% increase due to property taxes.

The Commissioners complimented the screening committee on the excellent work they did.

Chairman Martin mentioned that he leaned more toward the senior programs.

Commissioner Stowe suggested an emphasis for Advocate Safe house; Senior Nutrition; and Senior Transportation.

Lisa said the Committee emphasized these programs if more funds were allocated: Advocate Safehouse, Columbine Home Health and the Literacy Outreach.

The Board concurred.

Cheryl Hurt thanked the Human Services Commission for all the hours they put into the review process.

Deb asked for Columbine Home Health over Senior Nutrition funds. She recommended funding them for the full amount. She recommended \$9,000.00 for Columbine Home Health.

Commissioner McCown suggested asking Garfield Youth if they were willing to give up part of their request.

### **SOCIAL SERVICES**

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Social Services; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Social Services; carried.

A motion was made to come out of Social Services by Commissioner Stowe and seconded by Commissioner McCown; carried.

### ***Executive Session - Personnel Issues***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

### ***Meeting Continued until Tuesday, August 23, 1999***

### ***Recess***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recess; carried.

Attest:

Chairman of the Board

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**AUGUST 23, 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The CONTINUED meeting of the Board of County Commissioners began at 2:00 P.M. on Monday, August 23, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Martin called the meeting to order at 2:00 P.M.

**CONSENT AGENDA**

a. **APPROVE BILLS**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the bills as submitted.; **carried.**

b. **SIGN COMMUNITY WORKS AGREEMENT**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Agreement for Professional Services made between the County and Community Works! ("CW") of Glenwood Springs not to exceed \$10,000 unless an amendment to this agreement is approved by the Board of County Commissioners; **carried.**

**SCHEDULED/DISCUSSIONS/DECISIONS**

- A. **DISCUSSION: HENRY BUILDING LEASE**
- B. **EEO PLAN**
- C. **PLANNING DEPARTMENT SERVICES AGREEMENT**
- D. **ACTION ON ACQUIRING RIFLE AIRPORT LAND**
- E. **DISCUSSION ON IGA FOR LIBRARY AND HOME RULE AGREEMENT WITH COUNTY CLERK**

**ADMINISTRATOR'S UPDATE**

Ed Green gave his report that consisted of the following items:

**Freight Operating Agreement - RFRHA**

10 year contract between RFRHA and Aspen & CO. Midland (Pete Dearnness)

A&CM cannot assign its rights

Can expand to passenger excursion services with RFRHA approval

Ski Trains, Dinner Trains, Theme Trains

Chief responsibility is to operate freight service from Glenwood to Mid Continent load out

If RFRHA opts for commuter service, A&CM must cooperate in scheduling

RFRHA can interrupt service to rehab or reconstruct line for commuter service

Conservation Deed Easement

References re-establishment of transit system (train/light rail)

- Have 20 years to convert trail to rail in Pitkin County

Board shall not unreasonably deny approval of comprehensive plan

No facilities or structures related to rail shall occur till comprehensive plan is approved

- NEPA compliance also required

RFRHA has right to tax in accordance with IGA

RLC must consult with Pitkin if it wants to build a trail. Pitkin has final say.

The Intergovernmental Agreement - Key Provisions

8 government entities, 19 board members

-- 1 elected & 1 non elected from each governmental entity

-- Plus 3 at large from local conservation groups

-- 10 is a quorum

If we want to join, we pay what they determine is our fair share

-- Based on past and anticipated contributions

If we don't pay what RFRHA determines we should, we relinquish all rights to future participation in comprehensive plan review too

Adjourn:

Attest:

Chairman of the Board



**SEPTEMBER 7 , 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. Tuesday, September 7, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

Letter from the Governor recognizing the Road and Bridge help they gave to C-DOT during the mud slide on Highway 82. Chairman Martin thanked the men at Road and Bridge -- Larry White, Jay Buchannan and Jake Mall. **ADMINISTRATOR'S UPDATE**

Ed Green gave his report that consisted of the following items:

***Employee of the Month - Jake Mall***

Larry White and Jake Mall were present for the award.

Larry gave a review of Jake's accomplishments and added how much he felt that he deserved this award.

***Rifle Bridge***

Ed Green and Bob Szrot gave an update on the Bridge.

Ed said an initial investigation showed the bridge to be very sound.

Bob Szrot explained the situation and a potential solution.

Dave Campbell and Bob will meet on September 8 to discuss the ideas further.

The Board concurred with the approach and suggested the staff move forward.

Ed said the strategy with Rifle needed to worked out on the funding.

Commissioner McCown was against expending funds since this bridge doesn't go anywhere at this point.

***Drinking Water Supply - DOE - Funding***

Ed said on August 26, 1999, Don Metzler proposed a mitigation or settlement for the aquifer west of Rifle for \$500,000 over the next few years.

Ed wrote a response and submitted a letter.

The Board did not have a problem with the response.

Scott McInnis sent a representative and Chairman Martin requested they be copied on the response.

***Performance Based HR System - Integrating Social Services - Merit Based System***

Ed Green and Phyllis Lundy gave the report.

Phyllis described the situation with Social Services since they have the merit system in effect.

The Personnel Committee instructed Phyllis to move in the direction to adopt an approach. This was taken to the EPIC Committee and the feedback was in favor of a merit system.

Don DeFord gave a presentation and stated the employees wanted to move in this direction.

Phyllis spoke with Georgia, Mildred and Barbara Sunderland for Tom Dalessandri who were in favor as well of a merit system.

A final decision was needed by the Board. Phyllis stated that all counties have to move into this system and the requirement is to be in it by 2001.

Mildred stated it would be better to have one system.

A motion was made by Commissioner Stowe to instruct the Personnel Director to move forward with a merit based system. Commissioner McCown seconded; carried.

***Weed Board Appointments***

Ed stated there were nine applicants. Seven are needed and Steve Anthony asked for two alternates as well. Commissioner McCown made a motion to have all nine applicants attend the meeting and to select two to become alternates.

Commissioner Stowe seconded the motion; carried.

***Executive Session - Contractual Issues***

Don DeFord and Bob Szrot were present.

A motion as made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

***Agenda - September 12***

A suggestion was made to have the meeting begin at 8:30 A.M.

The Commissioners requested notice to the media of the later start.

### **COUNTY ATTORNEY'S UPDATE**

*Code Enforcement Issues - CUP for Home Occupation - David Skinner*

Don DeFord presented a potential Conditional Use Permit that may be out of compliance.

The occupation is located off of HWY. 82.

Mark explained there were allegations of violations of a CUP by Mr. Skinner. Steve Hackett sent him a letter the last of July and to date there has been no response. It is the County's responsibility after no response within 30 days to set up a hearing date for the Board to review the conditions of approval and potential in worst case, revocation of the CUP for the Home Occupation. This is in accordance with Section 9.01.06 if the Garfield County Zoning Resolution in terms of compliance with conditions of the CUP. Mark said the Board needs to establish a date for this. A notification to the proper owner is required and the owners within 200 feet of the property owners. A date was set for 10:00 A.M. on Monday, September 13, 1999 to address this issue.

Consideration of Revocation of Conditional Use Permit for Home Occupation for David Skinner.

### ***Staff - Heart Attack - Ken Longsine***

Mark mentioned that Ken Longsine had a heart attack. Steve has been covering for Ken.

### ***RFRHA - Trails and Access Plans***

Mark drafted a letter that addressed this issue and a motion was made by Commissioner McCown and seconded by Commissioner Stowe to address the trails and access plans and the incomplete comprehensive plan submittal to the Planning Session; carried.

### ***Acquisition of Airport Property - Two Motion***

Don mentioned a discussion with Bob Howard had transpired. He requested to be authorized to proceed on the date to close on the Airport Property and set on the agenda for September 20.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize (1) the Chair to sign a letter extending the closing on the Airport Property to 14 beyond the 16th or 30th of September; and (2) to set on the Agenda on September 20th action concerning authorization to close on the Airport Property so the Chair can execute final documents; carried.

### ***Rural Resort - Regional Child Care***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to defer this discussion item for a week and request Margaret Long to be included. This will be placed on the Agenda for September 13.

### ***Executive Session - Current Litigation with RFRHA - Utility Relocation and Jail Contracts and IGA with City of Glenwood Springs -1945***

A motion was made by Commissioner McCown and Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

### ***Jail - Authority and Role of Bob Szrot - Motion***

A motion was made by Commissioner Stowe to authorize the Chair to sign a letter to Reilly Johnson describing Bob Szrot's role and authority on the upcoming jail project in its relationship to the County Commissioners. Commissioner McCown seconded. Motion carried.

### **AMERICAN SODA EMPLOYMENT MONITORING REPORT AND CONSIDERATION OF EXEMPTION UNDER 5.08.05 OF THE FISCAL IMPACT MITIGATION REGULATIONS**

Don DeFord, Mark Bean, Dennis Nichols, Charlie Yates and Tim Thulson were present

A meeting was set for 9:00 A.M. - October 12 - Parachute Town Hall for the Hearing on America Soda.

Public Notices - Don and Mark will draft and work with the Town of Parachute Monitoring

Dennis Stranger stated he was here today to present a tabular report on the number of employees. In August the work force peaked at 218 peak; the project averaged 169 employees during the month and 134 of the peak employees reported they came from outside Colorado, while 84 lived within commuting distance. Parachute, Rifle and Battlement Mesa housed the highest number of project workers. In percentages this equals 61.5% non locally employees. 38.5% were local.

Charlie Yates updated the Board on Construction Activities with the submittal of photos. He said the railroad should be completed within two weeks so the piping for the pipelines can be brought in. Charlie offered an invitation to the Commissioners to tour the site at any time.

Vehicle Registration - The form from the State for an 180 day limitation was issued. Individuals as coming as far away as Alabama but most were Colorado and Wyoming. A lot of new temporary plates means the local car dealers are selling cars.

Dennis Stranger said business is up in Parachute and Battlement Mesa due to the increase in staff at American Soda.

Commissioner McCown suggested that the hunters may create some conflicts during the peak of the season as hunters are generally reserving blocks of rooms from years to years.

Charlie has suggested that Grand Junction be looked at during the hunting season. Also school registrations were checked into and only 11 new students were reported. Grade School was the highest enrollment with nine.

Further on Vehicle Registration Mildred stated she has not seen a lot of follow up with the notification of the 180 day permits. A packet will be given to Charlie Yates - she suggested a possibility of having the Sheriff's Department and some of her staff to have a session for the VIN Inspections.

Charlie stated these forms were just given out last week.

Mildred mentioned the regulations from out-of-state and for instate Colorado residents.

Dennis stated they will be back on September 20 at the Commissioner's meeting to submit the pre-application notice for fiscal impact analysis.

### ***Division of Wildlife***

Steve Yamashita and Perry Will were present from the Division of Wildlife to request a letter to be signed by the County Commissioners in non-opposition by the direction taken by them with respect to an easement to access State Wildlife. The Easement exchange on Baldy Creek requested by Skip Harlow is an exchange for an easement that will be gained to their State Wildlife Areas. A conservation easement on Barry Stouts property of 200 acres will ensure 7 - 8 building envelopes and then no more development; it borders wildlife area. Public access remains open to his property and a maintenance contract will be implemented as well.

Commissioner McCown made a motion to authorize the Chair to sign a letter of non-opposition to the action taken by the Division of Wildlife. Commissioner Stowe seconded; carried.

### ***County Road 214***

Ed Green, Bob Szrot and Don DeFord reported.

Don stated that Sopris Engineering informed him that a contract was before the Board and over the weekend informed Don there was an error in the calculation and the \$130,000 should be \$167,000 plus.

Don asked for authorization by the Chair to execute final payment concerning the County Road 214 project in the amount of approximately \$167,700 when the document is properly prepared.

Chairman Martin asked to see the final report on this and a final inspection prior to authorization.

He indicated a concern to inspect all of the projects since the problem was discovered on CR 320.

Therefore he wanted the Road and Bridge crew to approve the work.

The warrants to Meldor were held out of the bills under the consent agenda until this was cleared -- \$124,080 for CR 214 and \$168,000 for CR 241

Don suggested the matter be set over until next meeting and have Sopris Engineering present to explain where we are on the CR 214 project.

### ***Executive Session - RFRHA Litigation - Correspondence; IGA with Glenwood Springs and Personnel Issue.***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to continued the Executive Session; carried.

### ***Three Vehicles Titles to be Signed off***

The following vehicle titles were presented: The Weed and Pest Truck; a 90 Ford Pickup and a 94 Crown Victoria.

Commissioner Stowe moved to approve these titles to be signed off and Commissioner McCown seconded; carried.

## **SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

### ***1998 Audit Work Session***

Sharron Brenner of Hiratsuka, Cassady and Schaus, L.L.P. and Linda Cassiday were present.

The Independent Auditor's Report was submitted.

Sharron gave an overview of the Audit and gave the Board a management letter. She said based on the internal control structure and its operation they noted no situations involving these factors that were considered to be a reportable conditions. There were some deficiencies in the design or operation that



could adversely affect the ability of the County to record, process, summarize, and report financial data consistent with the assertions of management in the general purpose financial statements -- she listed these in the letter.

Linda Cassaday presented a review that shows there were no concerns with the audit. Linda went over briefly the GFOA Technical Bulletin that provides the GASB's new financial reporting model.

### **Airport Issues**

Don DeFord, Carolyn Dalghren and Kenny Maenpa gave the following report:

#### *T-Hangar's Condominium, Subdivision and Zoning Discussion*

Don DeFord suggested the Commissioner develop a PUD to exempt the Airport parcel from County's subdivision regulations. Don said they could elect to amend Section 8 of the County's Subdivision Regulations adding a provision in Section 8.10 "governmentally owned airport operations" then it is by action of this Board exempt from any subdivision requirements. Secondly, in terms of zoning, rather than waiting for the master plan to come into place and then follow it up with PUD, amend the zoning regulations to include Airport Zoned District and define that again to be a type of governmental owned operation. The property would have to be described once you have the zone district. This takes a Public Hearing.

Commissioner McCown moved to direct staff to proceed to set up an independent Garfield County Zone and amend the Subdivision Regulations as necessary. Commissioner McCown seconded; carried.

Don said he and Mark will work on this and bring it back to the Commissioners.

#### *County Surveyor - Airport - Update Lease Parcel Map*

Ken asked to have a lease parcel map done by Sam Phelps by November or December showing the updated lease parcels and development. He asked permission of the Commissioners to have it done. Not in budget but he said he can re-appropriate some funds to pay for this costs.

Future parcels on Parcel D would be 80 x 90 parcels, negotiated on a sq. footage basis.

Chairman Martin suggested find the money in his budget and then come back.

#### *Update "Zulu Golf" Consideration of Lease Signing*

Chris Piefer did not sign this right away and he would like to have the lease similar to what has been negotiated with the flight department. A summary was presented. The lease rate is 16 cents a sq. ft. and a annual cost of \$4,365 a year and an annual increase.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the signature of the Chair on the Zulu Golf Lease upon completion of the legal description by Sam Phelps; carried.

#### *Update Joe Matyk Consideration of Lease Signing*

Ken advised the Board that next meeting there may be a Corporate Services Lease for signature. They would like to build a 150 by 200 hangar and in that process Ken said they are trying to streamline their lease where instead of three leases it is incorporated into one lease. There would be an Airport Management Contract renewable on an annual basis and the term of their lease would be the 30 year plus the 2 five year options.

### **Road and Bridge Issues**

Interim Road and Bridge Supervisor Tom Russell gave the report of the following:

#### *Stripping Bid*

Tom said there were two companies that submitted bids and he recommended the contract be awarded to the lowest bidder. This is the same company that has done the work for the past five years. Any road with a new seal coat will require a double coat of stripping.

#### *Cinder Bid*

Tom said it is not ready. Some questions came up about the source. Dotsero is not longer a source for cinders and this was the material of choice -- it was cheaper and worked better. A new source - Wendy McNulty off of Missouri Heights near Eagle County has cinders but the cost needs to be negotiated. The amount needed is 5,000 yards.

#### *Landfill Compactor Bid Caterpillar Compactor*

Tom submitted two bids with a packet of information on each - one from Rex and one from Caterpillar. The Rex is not even the machine needed - it is a tricycle type machine and designed for pushing trash back and forth. Tom qualified that the Landfill needs a universal machine that will do everything. There is a good trade-in on the old one and it's all within the budget.

Ed said they did a two-step procurement on that one and evaluated the machines.

#### *Guardrail*

The Bids went out to four suppliers. The Panorama was the low bid and this includes replacement and new guardrail. The cost includes traffic control, installation and removal of the old guardrail that needs to be replaced. This is all steel post that go because it is actually cheaper to put in. The roads were specified in the bid. Tom explained the problems encountered with the guardrail being put in on CR 110.

#### *Mag Chloride*

The Commissioners informed Tom that there was an additional \$40,000 in the budget. The question was how this overspent item occurred. Tom indicated this was the first he had heard about it.

#### *County Road 214 and 241*

Tom stated he has inspected the roads. Sopris Engineering is doing the construction management and a concern from Vance Construction was referred to Sopris.

#### *County Road 241*

Chairman Martin asked Tom to look at 241 Road with gravel up to the Forest Service gate and chip and seal up to the KOA Campground. The gravel pass the dangerous corner is very wash boarded because the vehicles are going to fast and there's no mag chloride.

#### *County Road 306 - Una Bridge Road*

Tom said there was chip/seal contract money leftover. The frontage road to the bridge has been prepped and ready for chip/seal. This road was chosen from the amount of public outcry. This was a section that could be completed in time. There are other roads that need work but not enough time to prep them and chip/seal.

#### *County Road 320*

Discussion was held on the application of tar sands. The question of liability was discussed. The engineering company was to inspect this. Tom said they began to grade at the water treatment plant but rain interrupted the process. They will start on the lower section next week. Tom stated the contractor would not be paid for spreading the tar sands. Some negotiations will be evident.

#### *Road Grader - Roll Over*

The cost to replace the road grader has not been addressed. Commissioner McCown mentioned it will not be addressed until next year.

#### *Invitation*

Thursday, September 23 for the Silt Picnic at noon to meet the Commissioners was scheduled.

#### *Mutual Aid Letter - Assisting Other Municipalities*

Tom was directed to work on a simple agreement to be drafted that addresses assisting the municipalities. Counties with mutual aid agreements are: Eagle, Pitkin, Rio Blanco and Mesa.

Tom said it was the guys in the trenches who settle these issues and in the past it has been too complicated requiring the city and county attorney's involvement.

Chairman Martin suggested that Tom look to see what was currently in place - informal or formal from Board to Board with the Counties.

### **NOTICE OF APPROPRIATION CHANGE TO THE 1999 BUDGET**

Georgia Chamberlain, Allen Sartin, Ed Green and Dale Hancock were present.

Dale, Ed and Allen gave the overview.

Dale stated that the sales tax show we are 8.5% ahead of the projections.

The list of budget appropriation change requests was submitted and reviewed.

The Commissioners were very solid in their comments that any additional over expenditures would be weighted very carefully.

Commissioner McCown took a hard line stance saying the \$250,000 of total spending above the 1999 budget included in the September supplemental appropriation resolution was "ludicrous."

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a Resolution concerned with amending the approved Garfield County Budget and Appropriations for the Fiscal Year 1999; carried.

### **CONSENT AGENDA**

#### **A. APPROVE BILLS**

The following bills were removed until after inspections were assured. CR 214 and 241 regarding the Meldor Warrants.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the bills with the exclusion of the Meldor Warrants; carried.

#### **B. APPROVE REQUEST FOR AN EXTENSION OF COMPLETION OF EXEMPTION: JOHNSON SB-35 APPLICATION**

Ms. Johnson was present and stated the water and getting all paperwork in was the reason for the delay. She requested 60 days.

The Board moved to extend this to November 1, 1999 in a motion by Commissioner McCown and seconded by Commissioner Stowe; carried.

- C. SIGN RELEASE OF SUBDIVISION IMPROVEMENTS AGREEMENT FOR MOUNTAIN MEADOWS AT PRINCE CREEK
- D. SIGN RELEASE OF SUBDIVISION IMPROVEMENTS AGREEMENTS FOR PEAKS AT ASPEN GLEN PHASE ii
- E. SIGN EXEMPTION PLT: BINGMAN CORNER SB-35
- F. SIGN AMENDED PLAT - RIFLE VILLAGE SOUTH LOTS 26 & 27, BLOCK
- G. SIGN RESOLUTION CONCERNING APPROVAL OF THE BARAN SPECIAL USE PERMIT
- H. SIGN BARAN SPECIAL USE PERMIT
- I. SIGN RAKICH/TERLIAMIS AMENDED PLAT AND LOT LINE ADJUSTMENT
- J. APPROVE REQUEST FOR ADDITIONAL TIME TO MEET CONDITIONS OF EXEMPTION - WILSON

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to extend the date for the Wilson exemption until January 17, 2000; carried.

- K. APPROVE AMENDED PLAT, LOTS 1 & 2, BLOCK 6, ELK CREEK DEVELOPMENT - DIETZ
- L. AWARD - STRIPING BID
- M. AWARD - CINDER BID
- N. AWARD - LANDFILL COMPACTOR BID
- O. AWARD - GUARDRAIL BID
- P. AWARD - BRIDGE PURCHASE BID - Kochevar - Silt Yard

The consent agenda items C-I and item K were moved to be approved by Commissioner Stowe and seconded by Commissioner McCown; carried.

#### ***Stripping - Warning Lights***

A motion was made by Commissioner Stowe to authorize the Chair to sign the bid for Stripping to Warning Lights for \$44,832.55; carried.

#### ***Landfill Compactor***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the bid to Wagner for the Landfill Compactor for \$193,579 with a trade-in value of \$27,000, governmental discount of \$87,500 and making the total cost \$193,579.00; carried.

#### ***Guard Rail Bid***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to award the bid for Guard Rail to Ederam Construction Inc. \$47,980.50; carried.

The notice for proceeding was not signed.

#### ***Bridge Purchase and Removal***

Commissioner McCown noted this was for the bridge that was salvaged and setting in the Silt Yard - Light Cochevier has made an offer of \$525 for removal that includes all hauling and liability. Commissioner McCown so moved; Commissioner Stowe, carried.

#### ***IGA - City of Glenwood Springs - Executive Session***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried

#### **CONTINUED PUBLIC HEARING: OAK MEADOWS/BEAVER COURT FINAL PLAT**

Davis Farrar with Midcon Realty and Ralph Delaney were present.

Davis stated he has been working with the County Planning Staff in regard to Phase I, Filing 5. The question is whether or not the slope has stopped moving. The Engineers haven't rendered their opinion. A written report is due by Friday. Davis explained what the Covenants will contain. They are anticipating taking this to the Planning and Zoning Meeting on October 13.

This meeting today is an update. Davis stated they are moving forward with due diligence.

The site and construction permit has begun and has been approved by the State.

Mark stated that if construction hasn't begun within one year of approval, the State may have a cancellation on that construction permit.

This was continued until December 13 at 2:00 P.M. by a motion made by Commissioner Stowe and seconded by Commissioner McCown; carried.

#### ***ECDC - Rail Freight Service***

Davis Farrar represents this firm and said it appears from discussions with Peter Dearness that contracts are getting nailed down for rail freight service.

***Meldor Warrants***

Wendy Mead and Georgia Chamberlain approached the Commissioners regarding the notice to hold these two warrants.

The Commissioners informed Georgia that she would be issues a memo from them when the inspection had been done and it was okay to release the checks to these vendors.

**PUBLIC HEARINGS:**

**A. REQUEST TO REVIEW PROPOSED AMENDMENTS TO THE GARFIELD COUNTY SUBDIVISION REGULATIONS. LOCATED: GARFIELD COUNTY. APPLICANT: GARFIELD COUNTY**

**B. REQUEST TO REVIEW THE STUDY AND FORMULA FOR RE-1 SCHOOL DISTRICT IMPACT FEES/SITE ACQUISITION. LOCATED: GARFIELD COUNTY RE-1 SCHOOL DISTRICT. APPLICANT: RE-1 SCHOOL DISTRICT**

Mark Bean, Don DeFord, School Superintendent Fred Wall and Attorney Larry Green were present. Mark submitted proof of publication for Don DeFord to review.

Don advised the Commissioners that they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark submitted the following exhibits into the record: Exhibit A - Proof of Publication; Exhibit B - Staff memo and attachments; Exhibit C - School District RE-1 Resolution approving a cash in lieu formula; and Exhibit D - a study by student generations by type as a rationale nexus. student generations by type A - D was admitted by Chairman Martin.

Mark explained the proposed amendments to the Garfield County Subdivision Regulations.

One dog is incorporated the regulations.

Don mentioned there is specific covenants such as this one where the county can enforce it.

Mark explained the suggested changes to the Subdivision Regulations by the Board of County Commissioners, Planning Commission, RE-1 School District and a resident of the County.

Don DeFord stated that a requirement needs to be enforced that references a name change.

The Sections with proposed changes include: 2.20.31; 2.20.47; 6.00; 6.10; 6.20; 6.40; 9.10, 9.15; 9.16; 9.17; 9.18; 9.80; and 9.81.

These proposed changes address land under streets, roads, streams or lakes and can't be used to figure the minimum lot size during the subdivision process.

Amended plats will now be subject to more subject to more detailed rules regarding public notice, utilities and other issues.

New subdivisions are now restricted to one dog per residence, no fireplaces and exterior lighting that is only directed to the interior of the subdivisions.

Mark stated that Section 9:81 is the formula and submitted the attachment from the Roaring Fork School District.

Larry Green addressed the effect on property and questioned the nonconforming language in Section 5.04 of the zoning code.

The Commissioners stated the old subdivisions would be grandfathered in; this would affect new subdivisions.

In the suggestions for general standards in Section 9:15 and 9:17 the language states that this language should be included in the covenants and he would like it in a plat note to protect the smaller subdivisions.

Don stated that Homeowners basically enforce the covenants at present.

Don addressed "who enforces the issues?"

Chairman Martin stressed enforcing everyone of the covenants and not just the dogs.

School Impact Fees - Formula

Commissioner McCown stressed that the recommended formula creates a higher fee and in turn will raise the cost of housing.

Fred Wall - agreed with the formula.

Michael Blare - a practicing land planner, not representing anyone, stated that it is appropriate for fees to be collected. It does increase housing costs and makes homes less affordable. He addressed how the school districts operate saying they are immune from certain local regulations and do not participate in local zoning and land use. He felt the school district should be more cooperative with government and

should be improved for the sake of the communities. He suggested that when developments are being proposed, the public types of facilities including schools and fire station should be considered. Suggested as a condition that it require the school districts to be a more active partner with the developments. He said they must join in and participate with local planners to work jointly and cooperatively.

Shannon Palled - School District Finance Officer - stated they have a couple of options they have looked at. The question is, will land be available by the time they can afford to buy it? They have not done an adequate job of land planning. However, such a study of future school sites is now underway.

Fred Wall - School Superintendent - said that the County has been very concerned about this issue. They've listened to the needs. The formula will greatly benefit the school district's needs but the contributions will still fall short of what's needed to buy a school site in the escalating Roaring Fork Valley real estate market.

Commissioner Stowe moved to close the public hearing. Commissioner McCown seconded; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Subdivision Regulation Amendments as proposed for Sections 2:20.31; 2:20.47; 6:00; 6:10; 6:20; 6:40; 9:10; 9:15; 9:16; 9:17; and 9:18.

Commissioner McCown stated that he has a philosophical problem and thinks as Attorney Larry Green with respect to subdivision and zoning -- they should be consistent.

Vote - Martin - Aye; Stowe - Aye- McCown - nay.

#### ***School District - 9:80 and 9:81***

A motion was made by Commissioner Stowe for the Commissioners to take a leadership role by approving the RE-1 School District to apply the formula for land area provided through the Land Dedication Standard proposed in Sections 9:90 and 9:81 of the Subdivision Regulations; encouraging the municipalities to get involved in the same process; and mitigating affordable housing.

Commissioner McCown seconded;

Vote: Martin - aye; Stowe - aye; McCown - aye

#### **PUBLIC MEETINGS:**

REQUEST FOR SIGNATURE BY BOARD ON ROSE RANCH FINAL PLAT, PHASE I, LOCATED: 2.5 MILES SOUTH OF GLENWOOD SPRINGS, CO. APPLICANT: ROARING FORK INVESTMENTS, LLC. Don DeFord, Victoria Giannola and Tim Thulson were present.

Tim Thulson requested a continuance due to an internal review mix-up and asked this to be placed on the September 13, 1999 agenda for the Commissioners between 2 and 4 p.m.

Commissioner McCown moved this to be continued until September 13, 1999 between 2 and 4.

Commissioner Stowe seconded; carried.

#### ***Request for a Colorado Outdoors Grant***

Victoria said the staff is interested in being a part of the Colorado Outdoors Grant which is a study to purchase development rights and to see which areas are the best for the buck. Colorado Outdoors Colorado GoCo suggested a local match of \$10,000. The benefits are \$150,000 worth of studies for \$75,000. Rob can put the information into the GIS system. Survey work on private property will only be done with the landowner's permission.

This study is for plant and animal inventory (rare and imperiled plant and animal species) and historical resources that could be documented.

The study area is from Glenwood Springs west.

Rob says he is interested in putting his estimated 20 hours toward an in-kind donation which will equal about \$600.00.

Steve Anthony's involvement from an environmental aspect was also considered and could possibly be contributed as in-kind.

The Commissioners directed Victoria to explore the options and come back to them.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign a letter showing the in-kind contributions Garfield County is willing to make toward the GoCo program grant for the biological study; carried.

#### ***Henry Building - Improvements***

A contract with TOMCA Construction for \$53,400 for the improvements being made to the Henry Building was submitted.

Commissioner McCown moved to authorize the Chair to sign a contract for \$53,400 for the remodel of the Henry Building Probation and Parole as indicated on the rear portion above the platform. Commissioner Stowe seconded the motion; carried.

***RFRHA Litigation - Executive Session***

A motion was made by Commissioner Stowe to go into an Executive Session. Commissioner McCown seconded; carried.

A motion was made by Commissioner McCown to come out of Executive Session. Commissioner Stowe seconded; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to

***Motions - Direction to staff on Correspondence and on Freight***

Don said to be consistent with the Correspondence of August 23, 1999 the Board needs to authorize their representative to take positions regarding the formation of a Roaring Fork Land Conservancy particularly as it regards funding, fees, and the composition of the Board of Directors. The position would be not to join under the conditions as presently drafted.

Commissioner Stowe so moved; Commissioner McCown seconded; carried.

The second position the Board might want to take regarding the proposed freight agreement between RFRHA and Dearness's Company, while Garfield County is not members of RFRHA, the County is still public entitled to comment and have the Board's representative take a position regarding the scope of the freight agreement, particularly the geographic area and type of service to be provided. And so the Board needs to state their position in regard to these two issues.

A motion made by Commissioner McCown defining the scope would be the entire length of the track and not be limited to an area from Glenwood Springs to Mid-Continent but would encompass the entire right-of-way. Both freight and passenger be available and novelty trains - dinner trains.

Commissioner Stowe seconded.

Vote - McCown - aye; Martin - aye; Stowe - aye.

**REQUEST TO REVIEW PROPOSED GUIDELINES TO THE AFFORDABLE HOUSING REGULATIONS OF GARFIELD COUNTY. LOCATED: STUDY AREA 1, CARBONDALE TO GLENWOOD SPRINGS, OF THE GARFIELD COUNTY COMPREHENSIVE PLAN. APPLICANT: GARFIELD COUNTY**

Don DeFord, Victoria Gionolla and Mark Bean were present.

Don determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Victoria presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Staff Report and Attachments; Exhibit C - draft regulations; Exhibit D - Garfield County Zoning Resolution; and Exhibit E - Garfield County Comp Plan.

Chairman Martin submitted Exhibits A - E into the record.

Public present included: Tom Beard, Sheila Smith, Margaret Long and Jim Leuthueser.

Victoria presented the draft affordable housing guidelines and added that additional revisions have been made since the Board reviewed them last.

The task force helped with revisions and this consisted of Tom Beard, Sheila Smith, Jean Martinson, Tim Thulson, John Baker and Calvin Lee.

Discussion was held with respect to the revisions, rent control, the Telluride Case before the Colorado Supreme Court was held. The time frame was addressed and Don stated that he and Tom Beard and staff can work through the issues discussed today with the Board.

The following motion was made:

Commissioner McCown said under Staff Recommendations - #1 - omit "deeded fee ownership interest; scratch #2, leaving 3 - 8; to the Planning Commission recommendations include #1 and #3 but scratch #2 and #4 plus given the additional time as required to resubmit an IGA, that approval be given these guidelines upon completion of the IGA.

Commissioner Stowe seconded.

Commissioner Stowe said in the Planning Commission's #2 he liked the flexibility of "may request".

Commissioner McCown amended his motion to leave #2. Commissioner Stowe amended his second.

Don clarified in the regard to the IGA, the motion to go ahead and approve as subject to the terms of the motion but delay the effective date of any amendments until the approval of an IGA was obtained.

Vote - McCown - aye; Stowe - aye; and Martin - aye.

A date was set for October 4, 1999 at 4:00 P.M. for the consideration of approval of the IGA.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

***Adjourn***

Attest:

Chairman of the Board

\_\_\_\_\_

\_\_\_\_\_

**SEPTEMBER 13, 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 13, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**DISTRICT ATTORNEY: DISCUSSION OF PROPOSAL TO ESTABLISH INDEPENDENT ACCOUNTING AND ADMINISTRATIVE SERVICES**

Georgia Chamberlain, Allen Sartin and District Attorney Mac Meyers were present.

Mac said the accounting system under the County has not been working for them, particularly this last year. It didn't meet all of their needs prior to that but lived with it. One of the difficulties they've had with the change in personnel caused them to look for options to the existing system. Basically they could get their needs met with the same money that it is being done for now and will give them some more flexibility in terms of their financial plan. One of the frustrations has been attributed to a first degree murder charge that may result in a change of venue due to the publicity from the media. Since he hasn't had up-to-date and accurate accounting information since then end of the first quarter, he hadn't been able to make these plans. It was difficult preparing the budget. We've had bills paid late, services disconnected in Rio Blanco County and it's attributed to inherent in the system. Consequently, it will be better for them and the County to make a change now. It will not cost anymore in terms of their budget and will get their needs met. They plan to use the money allocated toward accounting for the third quarter to purchase accounting software and farm out payroll to a local computer CPA person.

The Commissioners understood his frustration and acknowledged his reasoning for making the change. Mac mentioned they were the only DA's office in the State that doesn't do their own accounting. He also mentioned the insurance and retirement can be moved with continuity and in fact with better coverage. Allen acknowledged he had received Mac's budget and commented that Mac's desires and needs that the County can meet but it will be quite a while before getting there. There are about 20 different projects for the accounting office to be completed within the next year and some of them are higher priority than Mac's referencing Social Services' conversion. Therefore, he felt that Mac needs to get some other options if he wants those improved services if he can get it for the \$6,000 he is paying the County.

Georgia mentioned she was working with Allen and Mac to accomplish this transition.

**ADMINISTRATOR'S UPDATE**

***Veterans Service Officer - Agreement***

Joe Carpenter and Ed Green presented.

Ed Green presented the Veterans Service Report submitted by Joe Carpenter, Garfield and Pitkin County Veterans Service Officer. Ed stated Joe provides the services under a two year agreement.

Joe Carpenter mentioned the interviews he conducted for 1998 - 1999 and the revenue in Veterans Claims within the County. He reviewed his schedule saying he spent two days in Rifle, two days in Glenwood per week and one day a month in Pitkin in Aspen. Joe says he uses 5 radio stations, 9 newspapers and 7 public access TV at least once a month -- they do a great job for him. Garfield County veterans have been easily reached but not so in Aspen. At times he has had veterans from Eagle County ask for his help and he has serviced them as well. One month he had calls from 7 counties.

His budget is \$16,000 which is minimal. Revenue -- negotiated in 1999 \$4,000 with Pitkin County; and is presently negotiating for the Y2K now. We also receive \$1200 from the State of Colorado for his services. From 1947 to 1998 it was only \$600 per year.

Joe said he is enjoying what he is doing and feels he is doing a good job. It is time to re-appoint him.

Commissioner McCown complimented Joe on the great job he is doing and made a motion to re-appoint Joe Carpenter, Sr. as our Veteran's Officer for Garfield County. Commissioner Stowe stated he would happily second that motion.

Chairman Martin gave Joe a pat on the back and stated he knew he was working on a tight budgetary restraint when the folks they are smiling and Joe has found some solution to the problem.

Motion carried.

***Mandatory Training***



Ed stated during the next few months they will be offering several modules of training offered to employees such as Workplace Violence; Sexual Harassment; and Workplace Diversity. All the courses are necessary for assuring both ethically and legally that we protect our employees in the County from situations that result in the creation of a hostile work environment. As a result Ed said he intends to make these classes mandatory for all employees. He noted that the Commissioners may receive some calls due to the requirement and he asked for their concurrence that these classes are important and should be characterized as mandatory. This year they have tried to invite folks and it has not worked. Defensive Driving class in December will target those folks that use the motor pool and vehicles for their work. This will be an optional class.

#### ***Fairground Contracts***

Ed reviewed these and noted there were no troubling events.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the following contracts for the Fairgrounds:

Silver Nickel Auction - September 11 - 13; Olie Anderson Monster Truck and Mud Bog for September 25 and 26; CQHSA registered horse show for September 16 through 19; and John Downing Paint Horse Club Horse Sale for September 6 through 12.

Motion carried.

#### ***Pieance Creek Building***

Ed reported on the prospect of obtaining buildings that are owned by the contractor at the present time. The Contractor has to return the area to its original condition. We have the equipment to accomplish that. He said there are buildings large enough to make hangars with the access doors already in place. There has been some delays in getting the Condominium T-Hangar Project going this year because there isn't enough financial backing for it out at the Airport. If the Board wants to pursue hangaring the individual airplanes we may have to do it ourselves. The advantage to this is ending up with collecting our own revenues. This would be \$250 - \$350 per month. Marvin and Ed will be going out to look at the buildings that are available. There are other things such as guardrail and pavement that can be used in ditches for fill, etc. The issue would be that the County would have to return it to its original state and for that we would get all the facilities.

Commissioner McCown suggested looking at this building in the Road and Bridge expansion as well without modifications that it would take to become a hangar.

#### ***Public Safety Council Meeting***

Ed said there was a meeting on Friday for the intent of the reformation of the Public Safety Council for the County. There is a great deal of dialog by the people that attended as to what such an organizations should be and what will be the focus to accomplish its mission, how much it will be funded, who will take the lead and the point is that this meeting was just to vent and start over. There is another meeting on October 13 at 10 a.m. and at that time they will establish mission and objectives and sort out all the troubling issues -- the most notable being the funding issue. Some discussion in making this work might be to have the same physical properties as the Communication's Board.

Ed clarified physical properties saying a stable funding source is a key one. There was some talk about a tax but Ed said he thinks they can explore other ways. It was noted that the County gets about \$10,000 to perform functions like this and some of the folks felt that the \$10,000 should be redirected toward this effort.

#### **COUNTY OPERATIONS**

Dale Hancock mentioned that in last year's budget there was \$3500 allocated for phone system improvement that were non Y2K compliant voice mail. He said they informally solicited bids on this earlier in the year and had taken the position of preference would be to have the new contractor administrator do a more thorough review of what vendors might be available for what products. In as much as it doesn't appear that we will have a contract administrator on board in sufficient time to accomplish this and the year 2000 looming in front of us, it might make more sense to award the contract to the low bidder and move forward in order to prevent a crash at the first of the new year.

The low bid was Valley Communication out of Silt for \$3500 however there is no reference to any kind of a warranty. The other bids didn't address warranty issues either.

The Board asked Dale to inquire as to the warranty, make a formal request and get back to them.

#### **COUNTY ATTORNEY'S UPDATE**

#### **EXECUTIVE SESSION**

***Executive Session - Jail Discussion - Reilly Johnson - Agreement with City - Litigation with RFRHA and Retention of Counsel to Represent the Board - Adjustment Appeals***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Commissioner McCown made a motion that Don DeFord be authorized to fund Josh Marks for legal counsel for the Board of Adjustment. Commissioner Stowe seconded; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize correspondence be tendered to Scott McInnis concerning the formation of the Roaring Fork Land Conservancy.

***Separate Corporation - Holder of Financing Instrument for the Jail***

Don explained that Blake Jordan would be the one to best describe the purposes but he provided a sketchy overview -- this would be a separate corporation to act as the holder of the financing instruments for the jail that protects the County in terms of any potential claims for debt of the County and also insulates the County from liability. In order to accomplish the first goal - the primary goal - a need to have a Board of Directors independent from the control of the County Commissioners. They will have the issuing authority on the financing instruments and they will hold the funds in a separate account.

Allen explained that the monies processed either from the debt service or from the rental payments over time, will actually go to an indenture and a trustee and not actually flow through the board of directors of this cooperation. They have assigned those responsibilities in such a way that the trustee can not independently take back the funds.

Don added, it will require a joint decision. The Board of Director's of the Authority and a Trustees acting. The Trustee acts as the dispersing agent and there's where the audits will take place. If that Board at some future date were to want to change trustees it would require the structure of the Board since we are the tenant of the building.

Each Commissioners was asked to submit 3 names to serve on this Board.

Don agreed to contract Blake Jordan and have him submit a short synopsis of the duties. Their duties will be very limited until they get to the end of the payment period.

**SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

**PUBLIC HEARING - Consideration of Revocation of a Conditional Use Permit - Applicant Dave Skinner - for a home occupation.**

Dave Skinner, Mark Bean, Steve Hackett and Don DeFord were present.

This public hearing was held to determine whether David Skinner, 16706 Highway 82, had violated conditions of the permit allowing him to operate a business out of his house. The property is located south of Catherine's Store.

Steve Hackett, Code Enforcement Officer told the board that he has been visiting Skinner's place of business off and on since January of this year and he's noticed people working outside on concrete forms. He also noted for the record that as of last Monday, there were thirteen vehicles parked outside as well as a back hoe and a flatbed trailer.

David Skinner admitted that his business has grown to big for this property. He added that he's found a new place for the concrete forms to be stored and worked on. He denied that any regular lubricant spraying was taking place at his house. He said it only occurred one time and he had reprimanded the employee who was responsible.

The permit was first issued to David Skinner's father to operate a small welding shop, modified in 1997 to allow the son to manage a concrete design business from the location with no more than six people to be working on the site at one time. The home was also not to give any outward appearance of being a commercial business.

Complaints had been received from a neighbor - Julian Ulrych - who said he had seen up to sixteen people on the site at one time and that work at the business is so loud that it's worse than a .45 going off. The work starts as early as 6 a.m. and disturbs his attempts to sleep in. He also complained about the lubricant sprayed on the concrete saying the wind carries it into his house and it gets into his clothes. He voiced a concern that this was getting into the ground water and contaminating it.

Attorney Joseph Edward's pointed out to the Commissioners that a residential business was supposed to be conducted inside a building and since this one was not that it was in violation of the code. He requested the special use permit be revoked.

Roy Hanlon and Bob Jorgenson also spoke during the public hearing voicing their concerns.

Dennis Cerise, Amy Skinner and Jerry Potter spoke in favor for David Skinner.

Resolutions No. 94-59 and 97-30 were referenced.

Commissioner McCown commented that he didn't begrudge anyone's ability to make a living but the regulations do spell out where and what kind of a living you can make. He said he thinks that a violation has clearly occurred here and if nothing other than the vehicles clearly present in the picture and recommended that the hearing be extended 30 days for Steve Hackett to re-inspect the premises to ensure there is no building materials outside of a building as allowed under the CUP and that this problem be rectified and at the end of the 30 days if those conditions aren't satisfactorily met the Board will revoke the permit.

Commissioner Stowe seconded the motion.

Commissioner Stowe commented that if this ever comes up to this Board again, he wouldn't have any problem revoking the permit.

Commissioner McCown stated that he wished this had been settled outside of this meeting - comparing it to a Hatfield/McCoy situation where everyone loses. Motion carried.

October 18 was set for the review.

### **US FOREST SERVICE DISTRICT PLAN WORK SESSION**

Forest Service Supervisor Martha Ketell and Victoria Giannola were present.

The WNF Summary was presented to the Board and discussion was held.

The Board opposed the Forest Services preferred alternative D plan and said they want to preserve wildlife and wilderness as possible but also to preserve accessibility as well. They thought that education could accomplish the task.

Commissioner McCown summarized that Alternative D represents an aggressive approach to habitat management and places a low emphasis to habitat management. It places a low emphasis on letting natural processes run their course. It maintains existing recreational developments but does not accentuate any new development for human uses or recreations. Under Alternative B's provisions, off-road motorized mechanical travel would be banned and about 22 miles of existing roads would be closed each year.

The Commissioners stated that implementing Alternative D will lead to a loss of public access to forest service land. It will also impact the grazing lands they have with 136,000 acres being removed.

Alternative B which assumes a "no action" approach is the Board's preference for an alternative. The Commissioner agreed to formalize their position during a November 15 work session.

### **CONSENT AGENDA**

- A. Approve Bills
- B. Sign Resolution of approval for Rifle Creek Estates, Filing 2, Preliminary Plan
- C. Sign Resolution of approval: Propane Services, Inc.
- D. Sign Special Use Permit Approval: Propane Services Inc.
- E. Sign Resolution for approval of Special Use Permit: Pete and Dorothy Simmons
- F. Sign Special Use Permit: Pete and Dorothy Simmons
- G. Sign Amended Exemption Plat: Analee Kirkham
- H. Sign Amended Plat: Lot 3, Cedar Ridge Subdivision and Lot 1, Block 3, Amended River Bend Subdivision, Filing No. 2

The Bills Item A. were removed from the Consent Agenda.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the Consent Agenda Items B - H; carried.

### **REGULAR AGENDA**

#### **SCHEDULING OF BOARD MEETINGS**

Commissioner McCown suggested that either Silt or Rifle be considered for the regular meeting of the Commissioners for November 1 due to the conflict of election and both juror rooms being filed with the selection of jurors for the murder trial.

Selby mentioned they would make this available at any time, therefore Ed will call him.

The following week was also suggested to have a back-up in case the jurors had not been selected.

Commissioner McCown recommended they pursue a purchasing agent to fill Mike McBreen's spot and then once the Airport activities have leveled off to utilize Carolyn Dalghren in that administrator's spot.

Ed said they are interviewing a candidate now, Dale, Don, Bob and he will be participating in the review.

Ed said he would review the Board's recommendation and come back to them.

### **BARRETT RESOURCES CORPORATION**

### ***Reconstruction of the Oil and Gas Commission***

The Garfield County Valley Citizens Alliance had recommended Legislation to change the balance of the membership of the Oil and Gas Commission.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the signing of this Barrett Resources Corporation for royalties; carried.

### **AIRPORT ISSUES - CORPORATE AIRCRAFT SERVICES: CONSIDERATION OF LEASE SIGNING**

Ken Maenpa was in Denver talking to associates. Carolyn Dalghren was present.

Carolyn stated as an update, she has the lease draft for the Commissioner's to review. She stated this would cancel all the prior contracts and bring all the various agreements together into one document.

Commissioner McCown moved to extend the Isbill's Associates Contract this until October 15, 1999.

Commissioner Stowe seconded the motion; carried.

### ***Payment Issue - Reilly Johnson***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Reilly Johnson bill for \$44,000; carried.

### **BUILDING & PLANNING ISSUES: PUBLIC HEARINGS/PUBLIC MEETINGS:**

#### **CONTINUED PUBLIC HEARING: ST. FINNBAR FARM SUBDIVISION PRELIMINARY PLAN. LOCATED ¼ MILE SOUTH OF CATHERINE'S STORE, OFF OF CR 100. APPLICANT: ST. FINNBAR LAND COMPANY**

Mark Bean, Don DeFord, Ron Liston and Tom Zancanella were present.

Mark stated that at the last continued hearing in August 1999, Mr. Liston presented a number of various documents in the way of new information.

The following Exhibits were submitted for the record:

Exhibit I - Last letter requesting an extension from Land Design Partnership on behalf of St. Finnbar Farm Property Owners; Exhibit J - Copy of an Agreement with Ranch at Roaring Fork for sewer service; and Exhibit K - a letter from the Colorado Department of Health and Environment.

Chairman Martin admitted Exhibits I - K.

Recommendation:

The Planning Commission recommended approval of the Preliminary Plan, subject to the following conditions of approval:

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.

The Homeowner's Association shall be incorporated in accordance with Colorado Revised Statute requirements.

The applicant shall prepare and submit a Subdivision Improvements Agreement addressing all on-site improvements, prior to the submittal of a final plat.

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. That all roadways shall be constructed in accordance with the design standards in effect at the time of submittal of the Final Plat, except for the variances approved by the Board.

That the applicant shall pay the appropriate School Site Acquisition Fees prior to the approval of the Final Plat.

Prior to the approval of the Preliminary Plan, the Applicant shall submit documentation that would allow the State Department of Water Resources to recommend approval of the project's water supply.

That the building envelopes be in an additional 10', to resolve the potential conflicts with the flood plains designation.

That the fisherman's easement be made a public easement very clearly in the covenants and on the plat and consistent with the Division of Wildlife comments.

That a favorable response be received from the Carbondale and Rural Fire Protection District.

That accessory dwellings be approved as a part of the subdivision approval for the lots at least four (4) acres in size.

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.

That the following plat notes shall be included on the Final Plat:

a. Portions of subdivision are in areas defined by FEMA as regulated floodplain. Minor channel shifting has occurred in the past, and will likely continue in the future. These shifts can occur in events less than the theoretical 100-year flood event.

b. Prior to the issuance of a building permit, each lot will be staked and certified by a R. L. S. verifying building location within approved envelope.

All mitigation proposed by the Division of Wildlife contained in their letter of July 6, 1990 and September 24, 1991 shall be considered conditions of approval.

That the applicant shall submit applicable School Site Acquisition Fees for the subdivision, prior to or at the time of approval of the final plat.

That the following plat notes shall be included on the final plat:

"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 be responsible for the control of noxious weeds."

"Application for a building permit for each lot within the subdivision shall include a grading and drainage plan consistent with the engineer's report submitted at preliminary plan, showing the physical improvements necessary to mitigate the 100-year flood flow from the drainage basin located west of the county road."

16. 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.

Commissioner McCown moved to close the Public Hearing; Commissioner Stowe seconded; carried. Commissioner McCown made a motion to approve the St. Finnbar Subdivision Preliminary Plan with the recommendations of the Planning Commission changing No. 10 to include the size requirements in our current zoning restrictions for assessor dwellings, also including No. 11 - 16 and in No. 13 including the applicant's specific list of recommendation to meet the Division of Wildlife Mitigation Plan and delete No. 12B.

Commissioner Stowe seconded.

Commissioner McCown stated he would like to commend them for hanging in through the process knowing they felt like a tennis ball on many occasions but they finally have something that is going to proceed forward as the Commissioners envision things happening in the Valley and that's connected to some type of commercial waste water treatment system.

Chairman Martin added that non only that buy trying to mitigate the problem created and undo some others.

Motion carried.

**PUBLIC HEARING: REQUEST FOR APPROVAL OF CONDITIONAL USE PERMIT FOR TIMBER HARVEST. LOCATED: AREAS NORTH OF DE BEQUE AND PARACHUTE IN THE WESTERN END OF GARFIELD COUNTY. APPLICANT: COLORADO TIMBER AND PLANNING COMPANY.**

Don DeFord, Kit Lyon, Shirley Chavez, Ken Roberts Gary Bishop were present.

Don determined that notification and publication was in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit Lyon submitted the following Exhibits for the record:

Exhibit A - Returned Receipts; Exhibit B - Proof of Publication; Exhibit C - Garfield County Zoning Resolution; Exhibit D - Garfield County Comprehensive Plan of 1984; Exhibit E - Staff report with attachments; Exhibit F - full size map; and Exhibit G - a letter from CTLC to Garfield County dated September 9, 1999.

Chairman Martin admitted Exhibit A - G into the record.

Kit said this is a request for review of a Conditional Use Permit to allow timber harvest above and below escarpments, on the plateau and talas slopes, but excluding the valley floor in the Clear Creek, Brush Creek, and Garden Gulch areas north of Parachute and Dubuque. Access is from County Roads 215, 204, 209 and 211.

Kit reviewed her staff report explaining the description of the proposal; comments from the review agencies; major issues and concerns; suggested findings and the following Recommendation:

Recommendation:

Staff recommends CONTINUANCE, for the following reasons:

At this point in time the application lacks the necessary level of detail needed to determine compliance with the Garfield County Zoning Resolution of 1978, as amended. Therefore, it can not be shown to be in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County. Staff suggests that the applicant address the issues raised within this report and by review agencies. (Please note: From the date all the necessary information is submitted staff and the applicable review agencies involved will need at least 45 days prior to the date of the Hearing to review and comment on the new submittal. This puts the earliest possible date at November 1, 1999 given all needed materials are submitted by September 13.)

Applicant and Public Comments:

Shirley Chavez - said that using the same guidelines that were provided to them previously by the Garfield County Planning Department, the Board has approved two special use and conditional use permits for this property. The Department of Colorado State Forester and the Division of Wildlife said they did an exemplary job. They did not harvest timber on the north of Kimball Mountain because of access. As a continuance of this not having an access agreement in place, they requested that the Board proceed and grant their conditional use permit subject to approval of acquiring right-of-ways. Since Ms. Lyon prepared her report they have provided her with access agreements which gives them access to the Clear Creek property which is parcels C and F and then another area of the Brush property. They are set to harvest on Garden Gulch which accesses directly to CR 213 from the Chevron Property. They are set to harvest on parcels E and F which are considered Clear Creek properties. They have both this time and previously called or written to the County Road and Bridge about using the short span of road from Garfield County basically to Garfield County and the Mesa County line. She added that the Chevron property is very remote and there are no residences within 4 - 5 miles of this property. They currently have \$100,000 road bond in place with the County. She asked the Board to grant the conditional use permit subject to them attaining the additional right-of-way so they could at least begin the two parcels on A - Garden Gulch and D.

Gary Bishop - Chevron Manager - said as part of his responsibilities he manages Chevron properties in Garfield and Mesa Counties. When this proposal came to them to harvest some of their Aspen and Douglas Fir Trees, they were willing to go through if certain criteria could be met. One of the criteria being that had to produce enough revenue for them to make it worth while and 2) conducted in a way which the properties were not damaged or the improvements were not damaged, and 3) had to be done in a way that there would be no significant environmental impacts. With that criteria in mind, they hired Jim Fritbee to advise them. Jim is a certified forester with over 40 years experience with the US Forest Service and his own private consulting business. With Jim's advice they crafted and negotiated logging agreements for their timber which they believe meet the criteria discussed.

Dick Brennan - Project manager for UNOCAL Shale Project - had a question regarding Garden Gulch, how to get from the west side of Parachute Creek to the County Road on the east side of the bridge.

Shirley said they will use the existing railroad bridge that is there by Charlie Wilson's house. They may have to do some work around the bridge, but this will be the access.

Don DeFord asked for clarification on the upgrade of Brush Creek Road.

Gary stated that it would be the same as the other roads - brought to the original condition.

Mike Trout - Lessee spoke the conditions of the roads if there were not maintained.

Chairman Martin reiterated that a road maintenance agreement with the Road and Bridge if this was the chosen path.

Commissioner Stowe made a motion to close the Public Hearing. Commissioner McCown seconded. Motion carried.

A motion was made by Commissioner McCown to approve the request for a Conditional Use Permit to allow timber harvest located north of DeBeque and Parachute in the western end of Garfield County with the conditions that no timbering take place on those areas that do not have access permits until such time

the access permits are presented to Garfield County and verified; that the road conditions be maintained and brought up to a standard that is felt adequate by the Garfield County Road and Bridge Supervisor; and that a weed control program be implemented with our weed control officer in Garfield County to be addressed immediately next Springs. That all representations either verbal or written 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;; that all timber hauling on County Roads be on Monday through Friday between the hours of 6 a.m. and 6 p.m. and any helicopter hauling be done between the hours of 7 a.m. and 5 p.m. Monday through Friday; the Forest Management Practices will be monitored for compliance with the proposed plan by a consultant agreed upon by the Board of County Commissioners and the applicant; that a Road Bond be placed with the Road and Bridge Department for the length of this project; Vegetation management as pointed out by the Weed Manager; and that the conditional use permit is subject for review for compliance and noncompliance with performance requirements associated with the issuance of a permit and a report one year from the date of approval from and the amounts of timber to be harvested will be inserted in there and then the permit will be valid for seven years at which time this Board can decide.

Commissioner McCown stated he wanted to go back to the Weed Vegetation stating that he addressed this in his motion and the harvest plan that was presented by the Forester on the contract with Chevron is adequate for the amount of harvest and the recommendation that they were taking 10 to 15 percent.

And the shifts on Brush Creek to the County Road - If that road is lacking in driving surface and if they start log trucks up there when it's wet, it will become full of ruts, so the material will have to be laid.

Clarification was also determined on the Weed Vegetation asking if this were only the county road?

Answer yes.

The Commissioners stated they wanted this on Brush and Clear Creek and they will take care of Parachute Creek.

Commissioner Stowe clarified that Commissioner McCown struck the weed control problem, and Don DeFord suggested that a condition of approval be implemented by the Road and Bridge Superior that they execute a maintenance and improvement agreement to be approved by the Board of Commissioners prior to issuance of the Special Use Permit.

Commissioner Stowe seconded the motion.

Motion carried.

**CONTINUED REQUEST FOR SIGNATURE BY BOARD ON ROSE RANCH FINAL PLAT, PHASE I. LOCATED 2.5 MILES SOUTH OF GLENWOOD SPRINGS, CO. APPLICANT: ROARING FORK INVESTMENTS, LLC.**

Victoria Giannola, Tim Thulson and Don DeFord were present.

Tim stated that the Roaring Fork Investments were presenting the final plat documents. He has a letter of credit in place and will be asking the Board to hold all documents for filing under the regulations. With the letter of credit for improvements the Roaring Fork Water and Sanitation District expansion for \$600,000.

Don stated the only document missing with the be the actual letter of credit.

***SIA***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the SIA with Rose Ranch; carried.

***RFWS Pre-Inclusion***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to sign the Roaring Fork Water and Sanitation District Pre-Inclusion Agreements with Roaring Fork Investments, LLC; carried.

***Indemnification with the Developer***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Indemnification Agreement with the Developer; carried.

Deed of Trust, Fire District Fees inserted into the document before signing the final plat, School District fees inserted, Homeowners Association Agreement, Developer's Covenants, Developers Fol., Developer Roaring fork Grant Conservation easement were reviewed and discussed.

***Final Plat - Phase I***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to sign the final plat; carried.

**REGIONAL CHILD CARE CONTRACTS**

Margaret Long and Don DeFord were present.

This basically states that the five counties agree to enter into an agreement to promote child care development in this area. It basically states that the Rural Resort will promote child care licensing in all four counties and that they will also do other things to promote the development of additional child care. All counties will work together on this, that Summit will a lengthy summit and that Garfield/Eagle will have a physical agent.

The IGA will be reviewed at the Rural Resort Summit later this week. It is to develop child care that Summit County will handle. The agreement will be with Garfield County and Eagle. This is state TANF funding. The overall budget for the first year will be \$171,000 and the second year \$152,000.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize Commissioner Stowe to sign the document at the meeting; carried.

ADJOURN

A meeting was made by Commissioner Stowe and seconded by Commissioner McCown to recess until 8:30 A.M. in Carbondale on September 14, 1999; carried.

Attest:

Chairman of the Board

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**SEPTEMBER 20 , 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 20, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

A laser pointer was presented to Ed.

**ADMINISTRATOR'S UPDATE**

Ed Green submitted his report consisting of the following:

***County Fair Results***

Ed stated the Fair made a profit this year of \$8,700.00.

This year the quality of events were the focus of being improved. by adding a well-known group for a concert, bull/bare back riding where people actually got thrown off.

The Fairboard did a review of the Fair and came up with the following:

- Move the concert to the weekend
- Better coordination/cooperation between Fair events and 4H events
- Acquire additional help such as:
  - CSU Interns
  - AG/4H Instructors
- Press for full sponsorships for key events
- Restructuring pricing
  - Event pass versus daily pass
  - Family event pass
- Better Safety at Mud BOG
- Shorten Duration of Mud Bog - not to have the event for 6 hours and to move the mud to a different part of the arena
- Reimbursement/Recognition for Fair Board - mileage reimbursement/pizza
- Get our bull riding event in the circuit in order to avoid conflicts
- Pre-plan a dinner in advance of the dance
- Find a way to involve up valley communities
- Sell/Rent Seats

The Commissioners have been invited to a barbecue celebration in the success of the Fair.

***Prioritization of Energy Impact Grants***

The City of Glenwood submitted a grant application.

Ed was advised to schedule this for October and invite the municipalities to either attend or submit votes for the prioritization:

The two projects submitted included:

- Jail
- South Glenwood Water Storage

***Jail***

*Payment Schedule* - Ed said this has gone from \$875 to \$910 and the key reason was there had been a balloon payment scheduled. The Bond Attorney does not want to do this and prefers the interest be spread across the full 25 years. There will be a board selected that will oversee this portion of the jail.

***P & Z Application***

Don DeFord and Ed reported.

Don reviewed the application and various issues were noted by him.

Chairman Martin noted about 13 items that needed to be corrected.

Don noted one item for the special use permit for the variance on the height that the City sets. This may not be complete. There needs to be a shadow analysis as well.

Chairman Martin suggested that the Board and staff review the application and note items during the week.

***Forest Service Contract - Dust Abatement, CR 245***

Commissioner Stowe moved and Commissioner McCown seconded to authorize the Chair to sign the contract with the Forest Service; carried.

***Status of Utility Line that Runs to Airport Land***

Everything is on track for completion at scheduled.

***FBO Contract - Corporate Aircraft Service***

Carolyn Dalghren and Ken Maenpa were present. Ken reviewed the lease terms and submitted a complete review that deals with the lease premises; improvements; first right to lease; fees - fuel flowage, fuel storage, tie-down and concession fees; required and permitted activities; operations and maintenance agreement; and FBO lease action.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the lease as long as there is no significant change in the lease from Corporate Aircraft Services; carried.

There was an incident at the Rifle Airport in a situation with high winds and it did significant damage to the plane but it only went just over this side of the runway. One runway sign was damaged - about \$2000 but nothing else major. Ken added he will submit a full report.

Commissioner Stowe complimented Ken on a great job. Commissioner McCown thanked Carolyn for her work on the lease.

**COUNTY ATTORNEY'S UPDATE**

Don DeFord gave his report:

*A. Consideration of Application to go to City of Glenwood Springs Planning & Zoning on Jail*

EXECUTIVE SESSION - RFRHA and City of Glenwood Springs - Jail

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

***Spring Valley Subdivision***

Don commented that this came out of the Planning Commission last week and a lot of discussion was held on CR 115.

***Four Mile Creek Farm - Missouri Heights***

Chairman Martin stated the Board had received two letters requesting support from the Commissioner regarding saving historical structures in Garfield County on the Four Mile Creek from Jim Haukins.

Also a letter back from Missouri Heights Community League thanking the County for the contribution given there and also a letter requesting support as they are going for another grant in the same manner.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to send a letter of support for Four Mile Creek and Missouri Heights; carried.

**SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

**AMERICAN SODA**

Dennis Stranger, Tim Thulson and Ed Cooley, General Services Manager for American Soda were present for the report.

**A. Employment Monitoring Report Presentation**

Dennis Stranger submitted a table depicting the daily employment at the American Soda Parachute Upgrade site for the period August 29 - September 14, 1999. The daily peak was 243 on September 14.

The physical monitoring was conducted by Kvaerner, the principal construction contractor.

Dennis mentioned that the limits of 243 were within the allowed number determined by the Board.

Ed extended an open invitation to the Board to review an on-site inspection of the progress.

**B. Submittal of Pre-Application Notice for Fiscal Impact Analysis**

Dennis mentioned the two items to be discussed today. The memo noting the monitoring was reviewed.

Dennis mentioned this needs to be filed and a meeting set. The pre-application meets the requirements and goes beyond the minimal requirements. The meeting will deal with notification of governmental entities and advertise the October 12, at 9:00 A.M. at Parachute Town Hall.

A minor error was noted and Tim Thulson presented the change. The letter states that after the pre-application it was noted that there are about 70 rooms within motels and hotels available for rent in the Parachute area. He stated that the impacts will not be major and they will be requesting exemptions at the October 12 meeting. These exemptions include: 1-2499 (in a letter).

Tim said discussions have been held with staff on the pipeline requests but can not be put forward until the fiscal impact mitigation process is completed. The request for the Special Use Permit for the pipeline will be submitted to the staff but can not be processed until after the October 12 meeting.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to accept the Submittal of Pre-Application Notice for Fiscal Impact Analysis by Yankee Gulch project for America Soda; carried.

***Workplace Violence and Sexual Harassment Workshop***

These will be held on October 13 and 14.

***Request for United Way***

Ed will work with the Campaign to raise money and work with employees.

The Commissioners suggested including this in the paycheck for September 30.

***Application - Jak's 82 Grill***

Mildred mentioned this has been sold to Narayan Nepal Restaurant and requested approval of the Board to issue them a temporary permit.

Mildred mentioned that a typed notice would be given to the applicant. This new company has a restaurant in Boulder. Mildred stated she had checked the criminal history and it was clear.

Commissioner McCown made a motion to authorize Mildred to issue the temporary license as requested.

Commissioner Stowe seconded; motion carried.

**COLORADO INTERMOUNTAIN FIXED GUIDEWAY AUTHORITY PROGRESS**

Miller Hudson and Technical Transport Ventures Tom Hopkins were present.

Tom handed out an article that was in the Denver Post.

Miller stated the legislation creating the authority really was an outgrowth of the MIS that was conducted on I-70 in 1998 - 98 looking at what the options were to relieve congestion on Highway 70 beginning in Golden to the mouth of the Glenwood Canyon. At the end of the public hearing process on that MIS, there were two major recommendations: one was that the long term vision solution would be some kind of high speed fixed guide way system and a series of some short term fixes on the highway in a package of roadway improvements, climbing lanes, interchange rebuild that were priced out over the next 15 years at \$600 and \$800 million dollars.

One of the things from the MIS that made the fixed guideway the preferred alternative was 6 laning I-70 from the base of Floyd Hill to the mouth of the Glenwood Canyon would cost \$3.5 billion dollars. \$1 billion of that for a new tunnel at Eisenhower. Subsequent to the adoption of the MIS, the mountain counties - Eagle, Summit and Clear Creek asked to have the bill introduced to create the Fixed Guideway Authority. In order to enable the development of a Fixed Guideway Option, in some kind of a timely way, so that 5 years away when weekend traffic will have doubled on the highway there will be something in place for a test program and a demonstration project.

They are charged by returning to the legislature this next January with a proposed project. Parsons Transportation was hired to identify technology for the corridor. Three stretches on the road at 8% or more for more than 8 miles which is just beyond the capabilities of any existing railroad technology. Because the 1998 Bill was introduced late they received no state funds. In January they will ask money for 2000.

However, they have been relying on donations from the Counties. One of the test stretches of highway is the 3 ½ mile from Frisco down to Silverthorne at the base of the Dam and it was designated at the board meeting last month. This stretch was selected due to the ability to demonstrate the system to climb significant steep grades, and then will it run reliably through weather 100 mile per hour with cross winds and blizzards, 60 degree temperature changes in 30 minutes, etc. At the end of the RFQ process, they identified Transport Ventures as having the most promising technology and it will be their plan to hold the test phase to \$100 million or less. \$15 - 25 million to validate the technology and then construct the 3.5 miles with 75 million. This will be operated free and will allow them to take all buses off the highway with a hub at the Frisco station and a hub at Silverthorne and stage their buses out of those two locations and operate the guideway as a connector. If the test is successful, then in 2003 or 2004 for the buildout of the entire system which was named in the legislation as DIA to Eagle County Airport. The Bill was originally amended to add Aurora and some mountain people wanted to add Garfield. Aurora got thrown out and Garfield County remained. The budget for this year's operation was submitted. Initially the \$8,000 for Garfield County was based on license plates counts and this initial year's operations formula came to \$9,000 for Garfield County's assessment because Jefferson County would not participate.

Tom Hopkins with Transport Ventures covered the 10 most asked questions.

1) Who are they? They are a consortium including banks out of Germany and contractors out of Canada and an international engineering firm.

- 2) What is it and will it work on this corridor? Yes, using two existing technologies. A search was done world wide and selected a monorail developed in Spain. It was selected due to two reasons. The wheel wraps around the cable.
- 3) Where are the riders coming from: Two fold - offer a very good service - pricing \$50 from DIA to Vail and make a trip in less than 1 hour and coordinating with DIA. Day visitors - \$20 per person. Current day's tickets would get a discount at the local stores. It is planned to connect to Glenwood Springs in the second phase. Before the link is built, they would have to connect in Silverthorne. Rental cars by the hour serviced by franchises. \$400 million depending upon the vote.
- 4) What will it cost? \$22 million per mile. At completion \$4.8 billion.
- 5) Cost overruns - the essence of a consortium is a fixed price contract.
- 6) Who pays?: The Federal government - \$2 billion. Bonds - fiber optics and they anticipate a minimum of State funding and none from the ski areas.
- 7) Will it be viable? The presentation to State Legislature on the transit systems included over 100 cities that have put transit systems into effect. A snapshot after 10 years - to break even would require 36% of the increased traffic.
- 8) What about the impacts? Study included an EIS and the environmental impact will take 240 vehicles off the highway. Very positive. Avoids congestion and sprawl. Growth is concentrated around the rail system.
- 9) Is the eagle valley a bedroom community to Denver? Yes but we want permanent residents. Denver metro will become a bedroom for us. Employees from Denver would be available and it takes pressure off employee housing. The impact will be positive.
- 10) Alternatives - do nothing. Traffic on I-70 will double in the next 20 years. A 6-fold increase in congestion. This is not a viable alternative. The other is winding the I-70 corridor but this is cost prohibitive; interruption unbearable and not viable solution.
- 11) Support - can you do it? People are very favorable for monorail - it is the key thing. Miller said something will happen and a connection will need to be made. They want to keep the Cottonwood Pass option to connect at Carbondale. Work with RFRHA and coordinate with them. The test demonstration will be on the Ballot next November.

#### **BUILDING & PLANNING ISSUES: PUBLIC HEARINGS**

##### **REVIEW REQUEST FOR CONDITIONAL USE PERMIT FOR AN AIRSTRIP. LOCATED: LOT 1 & 4, SECTION 2 AND 3, TOWNSHIP 8 S, RANGE 96 W. SOUTHWEST OF PARACHUTE, NEAR BORDER OF MESA COUNTY. APPLICANT: LARRY D. KNOX**

Kit Lyon, Don DeFord and Larry Knox were present.

Don determined that notification was in order and advised the Commissioners they were entitled to proceed.

Proof of Publication and Notifications - Returned Receipts were accepted.

Chairman Martin swore in those who would like to speak.

Kit Lyon submitted Exhibit A - the request for a continuance until October 4, 1999.

John Barbee representing Mr. Knox submitted a request to have this continued until October 4, 1999 as the conditions and restriction determined by the Planning Commission will not work in his plan.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to grant the continuance until October 4, 1999 at 2:00 P.M.; carried.

#### **PUBLIC MEETINGS:**

##### **REQUEST FOR APPROVAL OF THE FREEARK SB-35 EXEMPTION. LOCATED: APPROX. TWO (2) MILES SOUTH OF SILT, OFF COUNTY ROAD 331. APPLICANT: ROBERT & RUTH FREEARK**

Mark Bean, Don DeFord, Attorney Tom Stuver and Mr. Freeark were present.

Don reviewed the notification and determined it was in order and advised the Commissioners they were entitled to proceed.

Copy of a letter from Mr. Stuever addressing the concern.

Mark stated that this is a request for exemption from the subdivision regulations to create 3 lots and a remainder parcel on a 603.56 acre tract of land located approximately 2 miles south of Silt, off of CR 331. It would consist of a four parcels: 10.36 acres, 5.74 acres; 8.8 acres; and 603.56 acres.

1961 - three deeds - 10 acres merged with an adjoining property in 1994; in 1973 another action and in 1994 split out the original property existing in 1961. For the record merged properties is not counted. The question staff had is exactly what effect the merger in 1973 had in terms of the definition of subdivision. Also this would not preclude the applicant from splitting the property into 35 acres.

Recommendation:

Mr. Tom Stuver submitted a letter that clarified this concern: However, Mark reiterated that until the applicant can demonstrate that the existing parcel qualifies for the maximum number of exemptions, staff cannot recommend approval. If the applicant can demonstrate that the tract qualifies for the parcels proposed, it can be approved 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 lots, 25 ft. wide 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 plan to the Commissioners for signature from the date of approval of the exemption.

That the applicant shall submit \$200.00 in School Site Acquisition Fees for each exemption parcel.

A building permit be approved prior to any regulated construction of any new dwelling unit.

That the applicant, and any future property owners of said property has the reasonable ability to connect with any municipal or centralized water and/or sewer system, the subject property owners shall be required to connect to said service and remove any existing well head(s) and individual sewage disposal systems(s) which may be located on said property, within one year of the effective date of service availability.”

Prior to the approval of an exemption plat, the applicant will demonstrate that all wells will meet 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 draw down 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) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates and suspended solids;
- 7) If any well is to be shared, a water sharing agreement will be filed with the exemption plat that defines the rights of the property owners to water from the well.

That the following plat notes shall appear of the Final Exemption Plat:

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

“One (1) dog will be allowed for each residential unit within a subdivision exemption and the dog shall be required to be confined within the owner’s property boundaries.”

“No open hearth solid-fuel fireplaces will be allowed anywhere within a subdivision exemption. One (1) new solid fuel burning stove as defined by CRS 15-7-401, 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 be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision exemption, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.”

“Garfield County has a Right-to-farm regulations which recognizes the important contribution agriculture makes to this County. Nuisance complaints made against customary and legal agricultural operations and practices will not be pursued.”

Tom Stuver said this is a legal issue; the applicant did not question the staff report. This has arisen in the past and this application presents a set of facts that allow the Commissioners to address this and to make rational and not arbitrary decisions. A ranch or parts of a ranch as of January 1973 could only be split into 4 different ranches. It has been divided by the Assessor and taxed under two numbers. The broader issue is, should any of these 35 acre splits be considered. This is a tract of more than 2000 acres and it is suggested it can only be split into 4 splits whereas a 35 acre tract can be split into 4 tracts. A true copy of the 1970 tax record shows that as to the portion of this property in Section 28/29/21 there are 6 separate

parcels taxed as of December 31, 1972. He asked that this be made part of the record. He asked that the Board grant the request with the conditions stated by staff.

Mark wanted further explanation. Mark explained that he was looking for further explanation because the three deeds that were submitted were treated separately in January 1, 1973 then there is the argument as to whether or not the Board feels that these large tracts have merged together for the purpose of subdivision. The 1994 deed does vary with the exception of 10 acres and a 638.4 acre parcel actually reflects the 1961 deed so there is an inconsistency in that regard.

Cody Henry inquired as to the placement of the notice. He asked what the relationship was to the county Comp Plan and is this inside the City of Silt.

Commissioner McCown answered no. The cities and towns have a perception of a sphere of influence and it is stretched to a 3 mile influence.

Cody asked about the water rights. He's located just to the north side of the property and his well is a 450' well to get to water and still have issues of contamination. How it is proposed for the lots to share the well and how to get across the County Road. Also a well permit and a well drilled in 1997, where was it located.

The applicant stated it was just off the County Road in extreme southwest corner of the property. The application showed on the map where the well was located.

Tom Stuver said a water line under the County Road and they will have a well sharing agreement with a common pump.

Cody mentioned a notable water issue and a lack of water.

Mark explained the intent of the regulation and the process. He stated if the Board chooses to approve this exemption there should be a 60 foot wide dedicated Right-of-Way on CR 331 included on the plat -- this has been the standard when they use the county road as a split.

Don noted in regard to mapping or platting of exemptions. A 600 acre parcel and split it into 3 smaller parcels for exemption you do in fact have four parcels created by exemption one of which could be several hundred acres. Tom Stuver is correct and it has been treated this way in the past. It has been implied this way for many years. The genesis for the current regulations. The current regulation reads as it does and has been applied both as Mark and Tom Stuver have indicated for a number of years. If the Board elects to go forward and approve an exemption he suggested they make specific findings on the basis of the parcels.

The reason for that is the staff needs to know whether or not this regulation needs to be amended. In fact the proper process is to amend the regulation and not to ask the Board to ignore the existing regulation. In order to provide equal protection to everyone who comes before the Board, if they chose not to apply their regulation as it is written today, then it needs to be amended so it applies equally to everyone.

Mark noted for the record in terms of the platting issue, the larger lot typically will remain in the larger portion, they have been allowed to identify as the last parcel by reference and do not need to graphically show it - lot 4 would be all of that parcel identified in the book and page less tracts 1, 2, and 3 and it's merely described in writing as opposed to graphically on a plat.

Tom Stuver for clarification, he knows they have done Plats that have been 1, 2, 3 and designated what will be 4 as the remaining parcel. What is staff's interpretation of this if that remaining parcel is 400 acres?; 2) the preferable way to address the overall issue is to study the regulation and modify it if appropriate however, if in fact the regulation is on the books and it does not yield a lawful result, then there is an obligation not to pay attention to a regulation that is not lawful; and 3) finally if they find that the tax role as of December 31, 1972 does indicate that the then Robinson ranch was comprised of more than 6 tracts, you don't reach the legal issue and simply find they have not exhausted the number of splits at this point that would be permitted. They would be satisfied with this last #3 but suggested they address this issue because of the confusion that now exists with land use planners and property owners.

Don addressed his concerns about the status on the tax roles. The position of the Planning Department and the County Attorney's office in excess of 15 years now has been that neither the Assessor nor the Treasurer can determine the existence or nonexistence of parcels for land use purposes -- this falls to the Board of Commissioners and there is case law that support this. So a finding will be needed in that regards so that we can also plan regulations in the future.

A motion was made to close the Public Meeting by Commissioner Stowe and seconded by Commissioner McCown; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to follow the recommendations of staff regarding Ruth and Robert Freeark request for exemption from subdivision regulation to create three lots and a remainder parcel including all items 1 - 8 as noted; No. 9 a 60 ft. Right-

of-Way and obtain a road cut permit prior to placement of the water line; meet the water quality testing; and for staff's clarification the Board is accepting that the 1961 deed was in existence prior on January 1, 1973 as being the basis for this approval in this case.

Martin - nay; McCown - aye; Stowe - aye.

**REQUEST FOR APPROVAL OF THE SHIDELER SB-35 EXEMPTION. LOCATED: APPROX. FOUR (4) MILES SOUTHWEST OF SILT, OFF OF COUNTY ROAD 315. APPLICANT: PAUL SHIDELER**

Mark Bean, Melody Massey and Paul Shideler were present.

Don determined that notification was in order and advised the Board they were entitled to proceed.

Mark stated this is a request for exemption from the subdivision regulations to create 1 new lot and a remainder parcel on a 176.262 acre tract of land located approximately 4 miles southwest of Silt, off of County Road 315.

Recommendation:

The applicant must provide additional documentation regarding the relationship of the smaller parcel to the remainder of the tract. If it is entirely physically separated by the County Road, the requested exemption can be approved. If there have been only one or two 35 acre tracts created from the original tract that existed on January 1, 1973, the requested exemption can be approved. If the exemption can be approved, it should be 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 building permit be approved prior to any regulated construction of any new dwelling unit.

Prior to the approval of an exemption plat, the applicant will demonstrate that all wells will meet 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 draw down 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) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates and suspended solids;
- 7) If any well is to be shared, a water sharing agreement will be filed with the exemption plat that defines the rights of the property owners to water from the well.

The following plat notes shall appear on the Final Exemption Plat:

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

"One (1) dog will be allowed for each residential unit within a subdivision exemption and the dog shall be required to be confined within the owner's property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within a subdivision exemption. One (1) new solid fuel burning stove as defined by CRS 15-7-401, 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 be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision exemption, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"Garfield County has a Right-to-Farm regulation which recognizes the important contribution agriculture makes to this County. Nuisance complaints made against customary and legal agricultural operations and practices will not be pursued."

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public meeting; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request for exemption include a 60' right of way along Cr. 315; with the recommendations by staff; carried.

***Executive Session - Legal Advice and Direction***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to receive legal advice; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

#### **HEALTHY MOUNTAIN COMMUNITIES: REGIONAL GRANT PROPOSAL OPPORTUNITY**

Colin Laird submitted a summary of the Environmental Protection Agency (EPA) has announced a Sustainable Development Challenge Grant Program that is accepting proposals by September 29, 1999. HMC is interested in developing a regional proposal, in cooperation with local governments to further work the Valley began with the Smart Growth Scenario Planning Initiative and the 1998 Sensible Growth Symposium. The Smart Growth Initiative developed a regional GIS database and the Symposium explored operation on regional land use issues.

The goals of the proposal Colin was presenting today, Phase I of the Smart Growth Scenario Planning Initiative will build on last year's growth symposium and include: 1) create and evaluate possible futures; and 2) develop a regional strategy to implement a preferred future.

Colin is looking for \$20,000 divided between the various Counties of Eagle, Pitkin and Garfield.

This can be evaluated as an Economic Tool with a flexible data base.

This is the next step - how can we use the data in a more proactive way.

The Board suggested In-Kind Contribution as their donation to this opportunity. They suggested that Rob be spoken to and a determination as to what amount of time will be used. Also to see if Bob Szrot on Water Quality and Affordable Housing could be useful..

#### ***Invitation - Luncheon on Tuesday***

Meeting with Representative Ken Gordon and Russell George at noon - Hotel Colorado.

#### **CONSENT AGENDA**

- A. APPROVE BILLS
- B. SIGN RESOLUTION OF APPROVAL: M. F. WILENTA
- C. SIGN SPECIAL USE PERMIT: M. F. WILENTA
- D. SIGN SUBDIVISION EXEMPTION PLAT AND RESOLUTION APPROVAL: GERMANO  
SUBDIVISION EXEMPTION
- E. SIGN RESOLUTION OF APPROVAL: AMENDMENTS TO SUBDIVISION REGULATIONS

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the consent agenda items as presented; carried.

#### ***Board to run the Financed for the Jail - Bond Counsel***

Bruce Robinson, Bill Coleman, Fritz Lundin or Cindy Lundin, Ed Weiss, Jay Rickstrew, Dean Hubbell, John Cooper, Scott Balcomb, and Dion Luke were submitted as the nine names from the Commissioners for this Board to serve on the Financial Board overseeing the jail funds. These will be sent to the Bond Commission and he will contact them and get the Corporation formed.

***Airport - Two Issues - Corporate Aircraft Agreement*** - left out of negotiations was a fairly substantial access gate to be constructed in front of the access that they will refine for the cost of about \$6,000; they will do the pavement into the airport. Asking on the first year of lease if they can get a \$6000 reduction making it go from \$17,360 to \$11,360; then back to \$17,360 in the second year. This was suggested to be written as a not to exceed \$6000 amendment.

The Board agreed but asked for an actual cost.

#### ***I and***

***Airport*** A Clause in the contract regarding non-compete by the County to become an FBO. This doesn't exclude another FBO, it just excludes the County from operating as one.

The Commissioners agreed this was all right.

#### ***Henry Building - Remodel***

Ed was directed to get Mildred, Georgia, Guy and Randy all together to be sure the remodeling plans were to their satisfaction.

#### **REGULAR AGENDA**

##### **CONTINUED PUBLIC HEARING: PRE-PLAN FOR RANCH CREEK PLANNED UNIT DEVELOPMENT WITHIN RANCH AT ROARING FORK**

This was continued from August 10, 1998.

Don DeFord, Mark Bean and David Brown were present.

David Brown stated the meeting has been continued for some time and new information was presented to Don DeFord - (Exhibit R). Ranch at the Roaring Fork has notified that they will provide sewer and water. They have the capacity for the 21 homes that are part of the Ranch Creek.

Exhibit R - was admitted.

David said this was the last major hurdle.



A copy of an approved water augmentation plan has been submitted and technically approved by the Division of Water Resources.

Dr. Gerber of the Home owners Association summarized the contract they are willing to provide. includes water and sewage disposal. All other terms have been mitigated and there are no other terms. Interim services will be offered until such time as the new service is build.

Don made statements: the Sept. 20th letter indicates they will provide service for 21 lots and addressed interim and service after installation of the new facility.

David said tap fees will be paid in advance and part of the agreement states they will adhere to the homeowners covenants but the 12 lots in the Stagecoach are not included just yet. It has been requested but their Board has not moved on it.

Dr. Gerber said it was their intent to have the 12 lots enter into the Homeowners Association and they will act upon this in the next few months.

The open space issues are addressed in the agreement presented today.

Don said his understanding in par. 4 of the first amendment to the Ranch Creek Agreement is to provide the service to the 21 lots.

A motion was made to close the public hearing by Commissioner McCown and seconded by Commissioner Stowe; carried.

A motion was made by Commissioner McCown to approve the Ranch Creek PUD including all testimony and documents presented today as well as the Planning Commission recommendations including No. 8 be added to include the new schedule on school site acquisition fees.

Mark suggested No. 6 - be stricken. Amended motion by Commissioner McCown and seconded Commissioner Stowe; carried.

The Commissioners thanked Dr. Gerber and asked him to pass this thanks along to the Homeowner's Association on the hard work in getting this settled.

**PUBLIC HEARING: WESTERN SLOPE AGGREGATE TO REVIEW A SPECIAL USE PERMIT FOR NATURAL RESOURCE EXTRACTION AND ACCESS ROAD**

Attorney Bob Noone, Bill Roberts, Sean Mello, and Dr. Gerber, Dee and Jean Blue.

Don DeFord reviewed the notification and publications and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in all the speakers.

Mark submitted the following Exhibits:

Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Project Information and Staff Comments; Exhibit D - Letter from Ranch at Roaring Fork; Exhibit E - Memo - Hubbell - jake brakes; Exhibit F - letter Friday - Western Slope aggregates; Exhibit G - Garfield County Zoning Resolution of 1984 as amended.

Exhibits A - G were admitted into the record.

Mark Bean stated that this involves an annual review of the Resolution No. 96-48 for a Special Use Permit to allow for the permanent access to State Highway 82 for the Blue Gravel Pit. Resolution 96-48 approved an Amendment to Resolution No. 81-384 to allow the applicant to use a direct access route onto Highway 82. The last review was held on November 16, 1998 where the Board reviewed the application for compliance with the conditions of approval. At that meeting the Board found the applicants to be in compliance with the conditions of approval but noted a few concerns. Additional Chinese elms or similar trees were identified as being needed on the upper hillside. Better enforcement of the trucks exceeding the 10 mph speed limit was also identified and dust retardant needed to be applied to the upper road.

The Ranch at Roaring Fork Home Owners Association cited violations of the conditions of approval. The primary issue is the speeding of trucks up and down the haul road and a lack of enforcement on the part of the applicants. They also note a concern about the use of the haul road by Casey Concrete Trucks. Gary Hubbel had also noted the use of jake brakes to maintain speed on the road.

Staff notes that Casey Concrete was approved to use an area adjacent to the gravel pit to batch concrete.

Mark stated that Casey Concrete documented the improvements they made and returned the road to the County in better use than what they received.

No specific traffic limitations were found in all the conditions made by the Board in these Resolutions. Discussion and public input.

Bob Noone presented that concerns from the neighbors at the Ranch of Roaring Fork are constantly complaining and he felt they would continue to complain. They are now upset about the enforcement

issues. A letter in the file that reports repeated speeding incidents. It does nothing for complaints by Roaring Fork residents to be reviewed by this Board. This will take the cooperation of the neighbors to report these infractions to Western Slope Aggregates or to law enforcement officials. He requested these annual reviews be terminated.

Michael Gerber - President Ranch at Roaring Fork - comments in Exhibit D - most important is to let this system work. Stipulations are clearly outlined and the applicant has not abided by the conditions. They clearly outlined the problems and clearly feel these are grounds for revocation for the special use permit. Mr. Noone mentioned a specific incident has not been noted.

Bill Roberts - Added that they put in 25 Russian Olives trees with an irrigation system. Changed Pinons to spruce trees and they are living. He added on the speeding issues that they have run down a lot of these guys and feels it is working over time. A log of those contacted was submitted.

Chairman Martin noted the trees and dust suppressant were accomplished by the applicant; and that the back-up alarms echoed off the rocks.

Bill said that back-up rules can not be helped - they are under federal mandates. They did the dust suppressant and replanting of trees.

Chairman Martin stated that a guard shack at the lower portion of the hill might be a solution. Frank Holloway called and Sean Mello spoke to him about the concerns especially the top. Frank also pointed out a area where they wanted trees to be planted.

Bill Roberts said they have attempted to mediate and be good neighbors to the residents at the Ranch.

Commissioner McCown suggested that Bill and Sean pull off at the Relay Station and merely watch the activities on the road -- using an unmarked car.

Bill Roberts said he could do this easily.

Mark noted this was the third review of this Special Use Permit. He noted for the record that the Ranch at Roaring Fork would have the rights to report incidents and give the Board the right to review this at any time.

Commissioner Stowe mentioned that Bill was trying to monitor the traffic and has met the conditions. He encouraged Bill and Sean to make these periodic approaches to traffic concerns.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; carried.

Commissioner Stowe made a motion to approve the Western Slope Aggregate Special Use Permit and make it a permanent access to State Hwy. 82 for the Blue Gravel Pit. Commissioner McCown seconded. Mark suggested that the Board validate Resolution No. 96-48 as being in compliance with that.

Commissioner Stowe amended his motion to add this. Commissioner McCown amended his second.

Chairman Martin added that if anyone had a valid complaint of violation that they have the right to do so through a special review and you could be served notice and would need to appear.

Motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Health; carried.

### **BOARD OF HEALTH**

Mary Meisner gave her report;

#### ***Sanitation Officer***

Mary submitted the estimate for cost of the Sanitation Officer and a proposed budget of \$82,320 as requested by the Board. She added that the Nurse is willing to provide office space and take messages. This is up to the Commissioners for consideration.

#### ***Community Task Force Update***

#### ***Miles for Smiles Program***

Mary reported that the Miles for Smiles dental van is coming to Garfield County October 4 - 15 at Wamsley School in Rifle. Mr. Roark donated space for the doctor and coordinator to stay at the Rusty Canyon Motel. They are looking for kids who need to be seen. Call - 625-5200 - Elaine Cloniger or Jeana. The program coordinator has been hired. And a report was handed out. It has been up in Craig. It will not be going to Carbondale this trip. They will also be coming to Glenwood Springs as well. Durango, Montrose and Delta are next after Rifle. They plan to come into the area twice a year. This is a pilot program and Greeley is doing a study on the needs and services offered. This is a three year grant. There is a strong commitment to provide services to this area. Dr. Setterberg is working with interns to be working through the program. Mrs. Bewer and Mrs. Setterberg have volunteered and donated their time. Lift-Up is the pass through agency.

### ***Pamphlets - Mountain Family Health Center***

This opened October 7 and they've had a comfortable period to get set up. Mary Meisner and Tim Burns are members of the full board. She named the associate members on the local board - Janice George from Social Services, Sissy from Garfield County Head Start, Lisa Pavlisick from Healthy Beginnings, Denise Williams from Planned Parenthood, Connie Shaw from Valley View, Os Muller from Valley View Hospital, and Elizabeth Hinkle from New Castle. Mary mentioned she would alternate with Tim Burns for the meetings that are scheduled in the Netherlands.

### ***Oversee Travel Clinic***

Information was passed out on the clinic.

The Commissioners suggested to send this to travel agencies in the area.

Mary said the prices for the vaccine are comparable to Mesa and Pitkin County. The State is pleased also with the Travel Clinic.

### ***October Flu Clinics - Calendar Submitted***

October 18 is the walk-in days for the flu vaccine at the Courthouse.

### ***Healthy Beginning***

Lisa Pavlisick gave the report that included numbers in their program: 179 participants; 140 babies born this year; low birth weight is at 4%; 93 active patient. 240 enrolled and 190 delivered. 8 women had tubals; 3 on the wait list - non-Medicaid eligible. 15 IUD's year to date through grant funding. There are a lot of women who are non-Medicaid eligible choosing long-term options of family planning.

Bus ticket grant program through the Colorado Rural Health Center will begin on October 1st - bus tickets are through RFTA and will start distributing to women who are active users of the system and live in the outlining areas. Carseats - they received new funding as of September 15, 1999 and now individuals sign a contract when they come into care with HB during the first trimester contracting that they'd be compliant with care and the car seat is tied to that. A new OBGYN working through Women Health Associates as of September 1, 1999 -- Dr. Kocker; and third mid-wife hired in March is working well.

There is a 230 cap but last year United Way gave an increase in funding that allows 240 participants. They are right on target where they had projected.

### ***Legislative Update***

Mary Meisner will report on this next month. Some cuts from the federal level. The way they are funding public health in the future. Healthy Beginning and Planned Parenthood will take the biggest hits.

Legislative is looking at undocumented care instead of just emergency care.

Mary has networked with Dr. Letson. Lisa pulling together numbers and will be looking at those.

Mary stated there are very few pre-natal programs in the State of Colorado.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Health; carried.

### ***WIC Renewal Contract***

A motion was made by Commissioner Stowe and seconded by Commissioners McCown to authorize the Chair to sign the renewal contract for WIC for \$124,728 from October 99 to September 30, 2000; carried.

### **HUMAN SERVICES COMMISSION**

Cheryl Hurst, Debbie Wilde, Lisa Pavislick, Bruce Christensen, and Margaret Long were present. Lisa Pavislick reported:

Debbie Wilde reported on youth saying that the cost for youth in the criminal justice system is \$500 when they go into the Division of Youth Services. Specialized it's \$6000 and foster homes in non-Garfield County is \$2000 a month. This makes intervention and prevention is even a bottom line dollar amount. The Community Evaluation Team involves other family members in others services other than those state services or treatment related services is a huge cost saving.

GYS - one thing they have really basically had to do with government is work with Pre-post Testing. This is all new stuff but validated kinds of testing they are starting to do. This presents a general picture. The youth of intakes covered in this report shows 75% are doing quite well; in a general sense they make bad decisions sometimes and often times it takes redirecting. A suspension from school; and those who do not obey the restrictions seem to go further into the system. Part of what GYS sees is good as long as they are directed. 1997-98 overview included in the report. Crisis intervention - these numbers are rapidly decreasing.

Alcohol/drug related in our County versus the State has jumped in numbers. Criminal arrest is lower than the state averages.

Coalition for Families consists of Debbie, Margaret, the District Attorney, Judge Ossola, and a representative from Grand Junction deals with policy procedure issues and how to deal with kids in our area and throughout the judicial district. Debbie invited the Commissioners to sit in sometime. The Community Evaluation Team (CET) is working; it is a real effort of individuals who comes together twice monthly to do a community staffing. GYS writes a grant to the state to get what's called "flexible money - wrap around services." This helps with all these spaces where there isn't any money to do what needs to happen next - psychological evaluation, respite care, etc. They are also the fiscal agent for Senate Bill 94 for the whole judicial district.

In the report Debbie included other items that they feel makes a difference with kids: Pals Mentoring Program. In the same evaluation that they do Prelisting with is one thing is that one of the places kids are being low is being connected to school and community. These are real positives in prevention. They are working with the literacy program and senior pals that focus on tutoring and also in getting then involved in the community things - Little League, 4H, Key Clubs, etc. When kids are invisible and do not take ownership in the community, they don't have a stake in littering, trashing things - stealing things, etc. They also have work groups almost every weekend cleaning up debris and this is showing the kids that this is not good to do. Work in lieu of detention and some are from the courts as part of their sentence. This involves the kids into activities in the community. Hitting prevention harder.

#### ***Human Resource Grants - Recommendations***

Lisa Pavislick submitted the final recommendations for the grants subdivided into groups:

##### ***Health***

Planned Parenthood - \$4,750

Carbondale Family Resource Center - \$1,500

Colorado West Mental Health - \$24,500

Colorado West Recovery Center - \$25,000

##### ***Serving Seniors***

CMC Senior Transportation - \$21,000

CMC Nutrition - \$5,000

CMC RSVP - \$11,000

Cooper Corner - \$3,000

Columbine Home Health - \$9,000

##### ***Disabilities***

Mountain Valley Developmental Services - \$29,000

##### ***Families and Youth***

Family Visitor Program - \$20,000

Garfield Youth Services - \$9,100

##### ***Self-Sufficiency***

Advocate Safehouse - \$9,000

Asistencia para Latinos - \$5,000

Literacy Outreach - \$10,000

##### ***Legal Services***

Garfield Legal Services - \$7,000

##### ***Other***

Aspen Valley Community Foundation - \$1,000

Lisa stated the Commission would like to see any excess go to the Garfield Youth Services in order to keep the funding up to the level they were receiving.

Chairman Martin stated it was based on need and not the level of funding previously received.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to follow the recommendation made by the Human Services with stipulation of the GYS system; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Social Services; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown come out of the Board of Social Services; carried.

#### ***Recess***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to recess until Tuesday morning at 7:00 P.M. for the City/County Joint Meeting; carried.

Attest:

\_\_\_\_\_

Chairman of the Board

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**SEPTEMBER 21 , 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The CONTINUED meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**BUILDING & PLANNING ISSUES:PUBLIC HEARING:**

**REQUEST TO AMEND THE PRELIMINARY PLAN FOR THE LOS AMIGOS PUD FILINGS 6 THROUGH 10. LOCATED 2 MILES SOUTHEAST OF GLENWOOD SPRINGS OFF CR114. APPLICANT: LOS AMIGOS RANCH PARTNERSHIP**

Mark Bean, Don DeFord, Larry Green and Greg Boker.

Don DeFord determined that notification and publication were timely and in order with the exception of a newspaper error stating they had actually published it on August 2, yet the newspaper article shows it was published on September 2, 1999. Don advised the Commissioners they had heard the testimony and it was up to them to determine.

The Commissioners determined they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark submitted the following Exhibits for the record:

Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Garfield County Zoning Resolution; Exhibit D - Garfield County Subdivision Regulations; Exhibit E - Garfield County Comprehensive Plan; Exhibit F - Project Information and Staff Report; Exhibit G - Resolution #98-30; Exhibit H - Division of Water Resources; Exhibit I - Letter from RE-1 School District; Exhibit J - Division of Wildlife; Exhibit K - Letter from the Carbondale Fire District; Exhibit L - Letter from BLM Exhibit M - Colorado State Forest Service; Exhibit N - Letter from Wright Water; Exhibit O - Application and attachments.

Chairman Martin admitted Exhibits A - O into the record.

Mark Bean stated that the PUD is located in the existing subdivision classification for Study Area I of the 1995 Comprehensive Plan. The Plan recognized that the original PUD was approved and modified in 1981 and 1996.

The property is located south of Glenwood Springs, in the southwest portion of Spring Valley. Elevations range from 6400 to 7175 feet.

The applicant is requesting the amendment of the Preliminary Plan approved by Resolution No. 98-30. The proposed amendment adds a filing 6A to the previously approved Filings 6 - 10 of the Los Amigos PUD.

This increases the current plan as follows:

Type of Use	Filings 6 - 10	Filings 6, 6A - 10
Single Family	164	174
Rural Residential	4	4
Commercial Acres	0	4.56
Open Space Acres	975.93	936.47
Total Acreage	1703.06	1711.68

The 4.6 acre of land identified on the PUD plan as a Neighborhood Commercial area was deleted from the previously approved preliminary plan due to it being identified as "presently non-developable", due to a lack of central sewer being available. The additional 10 dwelling units were deleted from the last application for the same reason, even though they were consistent with the approved PUD densities.

All of the lots will be served by the existing central water system that presently has 320,000 gallon storage tank. The application notes that there will be fire flows ranging from 500 gpm for the project. All of the additional lots will be served by a low pressure central sewage disposal system (ISDS).

Primary access to the area will be from the extension of the existing private road, Los Amigos Drive, and then there are seven shorter cul-de-sacs accessing a number of the proposed lots.

***Recommendation***

The Planning recommended approval of the proposed Amended Los Amigos Ranch, Filings 6 - 10, subject to the following conditions:

All representations of the applicant, either within the application or stated at the public hearings before the Planning Commissioner shall be considered conditions of approval unless otherwise stated by the Planning Commission.

Prior to submittal of a Final Plat, all property shall be annexed into the Carbondale and Rural Fire Protection District that is not presently in the District.

All conditions of approval contained in Resolution No. 98-30 shall be considered conditions of approval, except for the removal of conditions #5 and #6 and the modification of Condition #13 to reach as follows:

13. The Rural Residential lots shall be allowed to utilize individual sewage disposal systems.

Larry Green stated that Mark did an accurate job of summarizing this application. He explained the reduction in numbers in Filing No. 6 pushing them into Filing #9. The commercial area was not developable due to lack of water/sewer but they are now asking that this be approved. An additional condition of saying the neighborhood commercial 1-780 listen .....which will be served by central sewer. Open Space remains 936.47 acres as open space- a 2 acre reduction.

Louis Elder - Lot 3 - Subdivision 2, Filing 1. His problem lies with the commercial space. His lot is very close to the commercial area. His impression was that this would be single family residences. He wanted assurances that any development fall into the same covenants as the homes.

Greg Booker - mentioned that the commercial does allow a different height and they include a buffer lot and moved it lower - this has always been in the plan. The new design shows 150' buffer. At this time there is no plan for the commercial.

Louis Elder stated he was not opposed to it, but he was concerned.

Mark stated it was a use by right - it would be a retail, office type of zoning. It would be subject to further subdivision review and Mr. Elder would be entitled to comment.

Larry stated that when they get ready to develop that parcel there will more review. It is consistent with the PUD.

Mr. Elder stated he received the notification and "and commercial space" was added.

Chairman Martin mentioned that this would have to go through subdivision review.

Commissioner Stowe - the monitoring of the individual sewage systems will not be required to be monitored.

The public hearing was closed by a motion made by Commissioner McCown and seconded by Commissioner Stowe; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner to approve the amended preliminary plan for the Los Amigos PUD filings 6 - 10 with the recommendations of staff particularly noted No. 13 as an addition to the original Resolution 98-30; carried. - adding No. 4 that the 1-1293 listen ***Rifle Property***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Rifle Property; carried.

#### ***Renewal - Emergency Medical***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the renewal Emergency Medical Grant - Subsidy for \$15,000; carried.

#### ***EO Plan***

Ed reported they are preparing the EO plan and it will be ready on September 24, 1999 for review.

Final plats - Aspen Glen - Subdivision Improvements Agreements

Don explained that he and Larry Green developed a form that will flag the next Final Plat as to Hwy. 82 and access to Aspen Glen. They may contact with C-DOT as to when and if the Aspen Glen Subdivision Access needs to be signalized. For these final plats submitted today, it was not necessary; but reiterated that the next final plat they should make contact with C-DOT.

Chairman Martin stated they upgraded Hwy. 82 and they may require separated grade crossings.

Larry Green stated that if someone suggests they do a separated grade crossing they will deal with that at any rate they will contact C-DOT prior to the next final plat.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Aspen Glen Plats as presented - Club Lodge; Homestead Phase II; and Saddle Back Ridge; carried.

#### ***Employee Of the Month - December 10 - Holiday Meal***

Ed mentioned that a request from the EOM Committee to approve Friday, December 10 from 11:00 - 2:00 P.M. for the annual Holiday Meal. It is hopeful that the 4H group will once again prepare the meal and the Commissioners invited to serve.

The Commissioners okayed the request.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe for the Chair to sign the SIA for Filings 8, 7 and Club House Filing No. 1; carried.

***Fairgrounds - Midgets - Bullfighters***

Commissioner McCown moved to approve the Fairground Contract as presented. Commissioner Stowe seconded; carried.

***E 911 - Numbering System in Subdivision***

Commissioner McCown mentioned the problem that E911 is having with the numbering system in subdivision not being contiguous in any manner.

Mark stated that Steve and he have talked about this. It does take a lot of time. Also, the existing houses are resistance to changing addresses. Steve doesn't have the time. Mark suggested to bring someone on and make this a project separate from anything else.

Commissioner McCown added there may be some funds available to fund this from E911. He stated if it is unrealistic to change those in existence, then to start from a date forward with a new process for issuing addresses.

Mark stated he and Steve needs to sit down and determine a method that will work for them.

Commissioner McCown commented that this didn't become a problem until the density's changed.

Don stated the copies of next draft of IGA with the City is in the Commissioner's boxes.

***Adjourn***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

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**OCTOBER 4 , 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 4, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**ADMINISTRATOR'S UPDATE**

***Employee of the Month***

Sheri Tonozzi was awarded Employee of the Month.

Sheri thanked the Commissioners for their support in Healthy Beginnings.

***Road and Bridge Rodeo Award Winner***

Mike Davis was the winner of the Road and Bridge Rodeo Contest

Mike placed 16th in State; and 4th in Garfield in the Tandem and Loader Contests

***Approval of State Agreement for Prenatal Services***

Ed submitted the State Agreement for Prenatal Services and stated the amounts were increased to \$155,250 and a total amount of the Agreement to \$541,175. He requested the Chair to be authorized to sign.

Commissioner Stowe so moved; Commissioner McCown seconded; carried.

***Occidental Petroleum Negotiations for Buildings***

Ed and Tom presented the information regarding the buildings and other material from Occidental Petroleum left over from the oil shale operation built almost 20 years ago. Ed said even so they were used very little.

A summary was submitted showing the purchase price for the three buildings, 4,000 feet of road guardrail and a quantity of 6 foot tall industrial fencing worth about \$16,000. This fence was suggested to be used at the Airport property.

Ed suggested that the personnel from the road and bridge department and community corrections/workenders could dismantle and reassemble the buildings, however, it will still cost the County a total of \$71,300. In comparison, Ed said that buying the structures and material would cost at least \$171,000.

Ed explained some of the potential uses that included: one smaller metal building for use at the Airport to house the \$150,000 snow blower the County plans to purchase in 2000; one building for storing chemicals of the Weed and Pest Department; and the larger of the three for Road and Bridge equipment, motor pool, and tools such as trailers, culvert, etc.

Ed mentioned a future opportunity that would be available for the County to purchase in a year or so that included a 25 ton bridge crane and a couple of other buildings.

**Discussion**

Commissioner Stowe was in favor of the opportunity but hesitated to spend the money from this year's budget.

Ed said the \$16,000 would need to be paid right-away, but they could then catalog the structures and put this into the budget of 2000.

Tom said that the two smaller buildings are the ones Occidental wants down now. The larger buildings can wait until later in the winter. He felt that Guy's Workenders could do the majority of work with very little assistance from Road and Bridge.

The Commissioners were hesitant to spend the money they do not have in this year's budget.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to move break out the two small buildings and then move forward on the remainder of the structures, guardrail and fence next year; carried.

***East Elk Creek Review - CR 241***

Gary Osier, Lisa Cain and Ed Green took a look at the work accomplished at East Elk Creek and were impressed. All the parking lot areas have been improved; the cleanup efforts by the Boy Scouts and others have been excellent; the rest room improvements are complete; and vehicle barriers to river areas are making with a dramatic reduction in the number of fire circles.

***Incident Management Meeting***

Guy Meyer attended the Incident Management meeting and submitted a report. The State has hired some facilitators to make recommendations on I-70.

#### ***Workender Progress Report***

Guy submitted the report for the Workender Program and a comparison between 1998 and 1999.

In 1998 the number of defendants was 225 and in 1999 - 350. Guy estimated it will increase to around 400 by the end of the year.

The hard dollar savings in 1998 was \$2,200 days x \$40 a day = \$110,000; in 1999 - 3,040 days x \$50 a day = \$152,600.

The 1999 projects included: Court Remodel; Maintenance Office Remodel; Fence Erection on Mamm Creek and Garfield Creek; Fencing between School and Road and Bridge Shop; Remodel of Henry Building; and Painted the Road and Bridge Shops.

Regarding alternatives to jail for Community Corrections, Guy said he was working on some additional programs. He has spent some time in Grand Junction previewing their programs. It is fairly impressive and aggressive but the bottom line is a savings to taxpayers in jail costs. As we move toward this Restorative Justice Paradigm shift that these programs will come along.

#### ***Jail Facility Submittal to City***

Ed said they met with Reilly Johnson last Friday.

Bob Szrot gave the update. The process -- the project is at the end of design development stage; Bob will review the blue prints as well as the Sheriff. A scale model will be by Wednesday and on display in the Sheriff's office.

Bob stated he will be attending a jail construction conference. When he returns he will do spot interviews and make sure that no glaring issues were missed with the future construction of the jail. The model will be a big help cause people can see where the walls and features are located.

Bob said he anticipates in about 2 -3 weeks to come back before the Board and make a recommendation that we proceed with the construction drawing phase.

This construction drawing phase will require another approval of the Board to designate funds.

Relating to the Special Use Application -- Bob said he was hopeful of having this ready before the end of the Board meeting today in order to have a neat package ready to be delivered to the City of Glenwood Springs.

Bob requested the Chair be authorized to sign the submittal letter when all the items are completed and ready to present to the City in a concise manner.

Commissioner Stowe so moved to authorize the Chair to sign the letter. Commissioner McCown seconded; carried.

#### ***EEO Plan***

Ed said Phyllis has completed the EEO Plan.

#### ***Garfield Youth Services Juvenile Accountability Incentive Block Grant***

He requested the Chair be authorized sign the representation/certification for the Garfield Youth Services Juvenile Accountability Incentive Block Grant. Based on discussions with Don and Phyllis, they feel confident that the County can certify to this.

A motion was made by Commissioner Stowe to authorize the Chair to sign the document. Commissioner McCown seconded.

Don stated that Phyllis did an excellent job but just to verify where we are, he has submitted it to Kathy Greer for review and when she makes final comments, he'll bring it to the Board for final approval.

Motion carried.

Chairman Martin suggested to so notify Garfield Youth Services.

#### **COUNTY ATTORNEY'S UPDATE**

Don DeFord gave the report.

#### ***Consideration and Action IGA City/County Complex***

Don presented the IGA and said it is in the 5th and final form. This has been discussed with the City Attorney and she will present it to City Council. He requested authorization by the Board for the Chair to sign the agreement.

Don said the City has entered into an agreement with Hougland and Associations to do the inspections.

Ed said in the IGA the term autonomy with respect to the jail facility seems clouded.

Don explained the purpose of the language is that the way the building code is drafted, the person who is actually issuing permits act on behalf of that entity. It's a difficult argument to make to any entity that you

should give an individual authority to act on your behalf when you exercise no control over that individual. It's similarly on Art Hougland behalf if he has that type of unbridled discretion to act without reference to the agency agreement, he accepts a great deal of liability for his actions - he is the government without supervision.

#### Discussion

Don mentioned another way that rather than have Art acting under the supervision of the building official that the supervision run directly to the City Council. That would still leave the City with the final authority over his agent but by implication make it fairly severe decision making process if you have to go to the City Council.

Ed liked that idea and felt this was better.

Chairman Martin suggested making this request to see if the City will accept it. Therefore, the process would be for the inspector to make recommendations to the City Manager who will then make it City Council.

Don said the Commissioners also have an open forum and they can go to City Council with their issues if they need to.

Don then suggested that the Board authorize the Chair to sign the 5th and final draft of the IGA with the City for development of a City/County Complex conditioned upon the City modifying its agreement with Art Hougland to provide that final supervision and control of the building inspector lies with the City Council.

Commissioner Stowe so moved and seconded by Commissioner McCown.

Commissioner Stowe amended his motion to read that the final draft be changed to leave "or lease" on page 5, Section 2e. - sale of property" and the final IGA reflect that."

Commissioner McCown seconded.

Chairman Martin clarified - "if they fulfill all obligations that property finally becomes theirs, if they fail to live up to the agreement, then there's a reverse back to the County....we're just leasing the property to them - there is a 3 year time limit on it as well."

Motion carried.

#### ***CR 116 and CR 117 Intersections***

Don said he has received some preliminary title information from Sam Phelps.

Don explained the existing deed . Land Title has issued a title policy that will show the exceptions to the title that we need to be clear. They have confirmed in large part the plat he was showing the Commissioners showing the triangle area of the intersection where the large spruce tree is today - the Cator property and also extensive conflicts in terms of title work from Morton property. Don has asked Sam to give us an overlay on this plat in front of the Board showing the proposed design of this roadway provided by the developer on Four Mile Ranch. In order to proceed with the Right-Of-Way that fell along the deeded right-of-way, Don will need to proceed to clear title; certainly there will be some quite title action required -- that triangle is still potentially the ownership named Hughes but he's been out of the picture for some time. There may be other issues that adjoining property owners would now be in agreement concerning this road, so that will take some time to clear. Don said his understand, although he's not seen the design for Four Mile Ranch, is that in some areas the need for right-of-way exceeds this deeded right-of-way by the lay back of road.

Don mentioned that the deeded right-of-way designed by the Four Mile Ranch Engineering do not anticipate improvements at the intersection itself -- it goes to the intersection. Don said he was not aware of a design at the intersection.

Don said the anticipation of the developer of Four Mile Ranch is that they will improve the road generally along its current course without altering the traffic pattern or flows at that intersection with the same type of control and the same general design.

Sam Phelps should have the overlays completed this week so the Board can see where we are.

#### ***NO BOCC MEETING ON OCTOBER 11***

There will be a meeting in Parachute at 9:00 A.M. on Tuesday, October 12 and a Special Meeting - Friday October 15, 1999 - Presentation to Commissioners on 2000 Budget.

#### ***EXECUTIVE SESSION - RFRHA Litigation***

A motion was made by Commissioner Stowe and seconded by Commissioner to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Executive Session; carried.

#### ***RFRHA Motion***

Commissioner McCown made a motion and Commissioner Stowe seconded to authorize the County Attorney to draft a letter to Bob Noone; carried.

#### ***Black Diamond Road***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to direct staff to continue maintenance on the Black Diamond Road; carried.

#### ***Coryell Road***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to direct staff to request the homeowners pursue dedication of land for a 60 foot right-of-way to the center on the existing roadway; carried.

### **AMERICAN SODA PRESENTATION OF EMPLOYMENT MONITORING REPORT**

Ed Cooley of American Soda and Dennis Stranger submitted the report. Ed said they are on schedule and everything is going on very well. They have had meetings with Battlement Mesa and the RV Park.

### **SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

#### ***Conduit Issuance of Privacy Activity Bonds for Valley View Hospital***

Jeff Carlson, President; Larry Dupper, Chief Financial Director and Chris Treese VP for the Board were present.

Valley View Hospital needs a sponsor for \$18 million in bonds. The request before the Board is to have Garfield County be the sponsor for the Bonds.

Ed stated that he offered Valley View Hospital, in lieu of the \$90,000 bond fee, to have them give us a break on the square foot cost of the soon to be available Glenwood Medical Building. Allen and Ed have met with the Valley View Board of Directors and presented the counter proposal for office space for Healthy Beginnings.

Jeff Carlson said they are very interested in indigent care and appreciates Healthy Beginnings and the difference it makes having healthy babies born in this area. They would like to see Healthy Beginnings grown and have the proper facilities but they would not be able to make the type of approach offered by Ed. Jeff said they are still committed to having the Healthy Beginning move happen. The problem is Medicaid sponsoring Healthy Beginnings has made it illegal for Valley View Hospital to offset the square footage rental space as Ed proposed. Gary Brewer, Chief Executive Officer of Valley View worked to make it mutually beneficial for Columbine Health and Gary will continue to work with Healthy Beginnings as well. Allen explained that the County is merely providing Conduit Financing for Issuance of the Privacy Activity Bonds for Valley View Hospital and would be reimbursed for any costs. Further, Allen stated that their bond attorney will provide the documents be signed, Don DeFord will either review or have another bond attorney look at them.

Don stated that in the past on this type of bond issue, the County has retained bond counsel to represent the County solely. We would be reimbursed for any expenses incurred.

Don also stated that the County's current policy resolution provides that the Board will not participate in this matter for any entity inside a municipality so if they are going to proceed with this, the County also needs to eliminate that provision from the Resolution.

Valley View Hospital has approached the City and said they are approving the plans but the time table in moving through the City's process was such that they desired not to work with them. They can issue the bonds through Colorado Health Facilities' Authority but that involves a substantial fee sending the funds to Denver and they preferred to keep the money in the County.

Don clarified that the Resolution and Policy originated with UNCIAL.

Don suggested to take out the areas out of the existing Resolution for which the Commissioners need to make exceptions, and make this motion with specific findings as to why they should not apply to this entity rather than repealing the entire Resolution.

Commissioner Stowe made a motion that Garfield County act as Conduit Financial to provide the bonds for Valley View Hospital and that we have Don address the issues to make sure that we stay in compliance and do not interpret this to be a mechanism for any industry or entity to come to the Board and ask for bond support. Any actual cost that we incur in this process will be reimbursed by Valley View Hospital. Commissioner McCown seconded.

#### Discussion

Don said with the second to the motion his understanding of the motion is that it specifically includes exceptions to the existing policy concerning changing any fee and the necessity that the project be located outside of an incorporated municipality.

Larry Dupper commented there is another provision in the policy discussed administratively that could be onerous with Valley View's timetable was provision allowing for 15 day review by the planning people of the County and they would like to avoid these delays. They will be happy to review the plans with planning staff but a decision is needed today and would like not to subject themselves to a timetable.

Don said he would concur in that and so noted that the policy was written with the anticipation that the County would be the issuing entity and the land use review entity also. In this case the County is not. Chairman Martin mentioned they could ask for a copy of the plans submitted to the City.

Commissioner McCown stated for the record that Valley View Hospital's ongoing commitment of the Board to accommodate the Healthy Beginnings to facilitate something there that this entity has been a direct cost savings to the hospital and the taxpayers of Garfield County and urged the continuation of operation on cooperative effort to find someplace where they can operate more efficiently and closer to the hospital.

Motion carried.

#### ***Titles - 5 Vehicles - Auctioned***

Mildred presented titles for the 5 vehicles of which 4 were auctioned and one traded to Berthouds.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the 5 titles as presented; carried.

#### ***Airport FBO Agreement***

Carolyn Dalghren and Kenny Maenpa were present.

Kenny gave the update on the changes and reiterated that Chairman Martin had been previously authorized to sign the agreement.

Ken mentioned the major change was a 2-year option first option for the remainder of Parcel C was included in the agreement and in that if another entity would like to come forward or has a proposal to develop anything on parcel C, then Corporate Aircraft Services would have 30 days to respond to do an agreement or build a building similar to what was proposed. And also even if they decided they would like to move forward with this type of development they would have 90 days to begin construction. This is no tie-up of land.

Ed commented that the lease payment would start immediately after the 30 days and in-between the 30 and 90 days for construction they would also have to at day 45 show a building permit from the County.

Kenny said the other item was fuel storage. There was a standard cap of the fuel flowage fees as .2 cents a year and they put a cap applied to the fuel storage fees and this was lowered to .1 cent per year as the maximum increase and be associated with any substantial increases or costs associated with operating a fuel farm. In this agreement their fuel storage fees will be .3 cents a gallon.

Carolyn Dalghren mentioned they made some internal reference to make sure that it was clear that contractors or subcontractors are tenants of CAS and would also have to pay attention to the administration rules and regulations they will be promulgated by this body regarding minimal standards and rules and regulations for operating on the airfield.

Kenny estimated this would amount to an addition of \$6000 increase in income for the airport.

Ken said he has also began discussions with Corporate Aircraft Services and one of the major things eliminated from this agreement was the monthly payment of \$2100 for the FBO for Airport Management and Maintenance. Ken said they have broken it down into hourly services figuring to pay them for hourly services for a number of services to which they have agreed. The only problem not assigned is an hourly rate they will charge the County. The hourly services list includes: Airfield Inspections; Airfield Maintenance; Equipment Maintenance; Snow Removal and ARFF Services. Rate: Standard and Overtime - to be determined

Kenny will be running the snow removal equipment but backup on the equipment will be done. Kenny clarified that in addition to the \$2100 a month they were also paying \$15.00 an hour for snow removal services.

#### ***Execution of Airport Land Agreement***

Bob Howard, Don DeFord and Paralegal Mary Lynn Stevens were present for the execution of the agreement.

Don DeFord stated that on October 7 a closing date has been set for the property in the vicinity of the Garfield County Airport as discussed being transferred to the County for Governmental purposes. The transfer will become effective upon recording of deeds of the property to the County. Don said Mr. Howard is also donating an easement along Hunter Mesa Road of 60 feet in width from the existing County Road to the property so that the County has full use for access on either side of the property.

Don stated the Chair would need to be authorized to sign the Resolution accepting both Quit Claim Easement for County purposes as well the Special Warranty Deed for 40 plus acres for use for governmental purposes in the vicinity of the Garfield County Airport.

Commissioner Stowe so moved. Commissioner McCown seconded.

Bob Howard stated this is a good example of private/public partnerships doing things and hope there will be a number of transactions over the years helpful for the County and the Airport.

Motion carried.

#### ***Discussion of County Road 115 - Red Canyon Road***

Chairman Martin stated that a decision was made by the Board previously to keep Red Canyon Road open to provide two main routes into the Spring Valley area for emergencies but only to maintain it as possible and post a "travel at your own risk" sign at both ends of the road.

Mark said the discussion today generated from news that Chenoa was proposing the 500 plus unit new subdivision for Spring Valley but had planned to do no improvements to CR 115, only to CR 114. The developers brought this to the building and planning's attention that this road was not included in the Capital Improvement Plan at this time. Mark said the road impact fees are based on a plan that did identify certain road improvements being necessary in various districts within the County. This district did not incorporate any improvements to CR 115.

Ed prepared a summary that described an analysis done by Schmueser Gordon Meyer in 1983 related to this County Road. At that time SGM proposed three alternatives to deal with the road however, Ed included the 1997 updated price. The alternatives were: 1) Fix it to the same standards as all other county roads, including taking it to an 8% grade which would entail removing a large amount of rock with a lot of blasting for a total cost of \$2 million; 2) widen the road but lower the grade to only 8.8% for a cost of \$1.15 million; and 3) use welded-wire retaining walls to keep rocks and other debris from blocking the road for a cost of \$881,000.

Another alternative that should be discussed and should be considered is the closure of the road.

Chairman Martin summarized the last public hearing and the decision made at that time was not to close the Red Canyon Road.

Mark stated that if CR 115 is to be included in the road impact plan, then Don DeFord would need to do a rational nexus or proportionate share for CR 115.

Mark mentioned the Road & Bridge estimated 200 vehicles per day use the Red Canyon Road.

#### ***Public Input***

Arthur Hood, CR 119 and resident said that both workers and residents would use this road and further impacts would be evidenced.

Mike Sullivan, member of the Spring Valley Caucus mentioned the presentation of the residents before the Board that was held on August 4, 1997 where many residents promoted the continuation of keeping CR 115, Red Canyon Road open for use of the public. At that time the Commissioners agreed to some essential repairs and only a temporary close in order to accomplish that specified work. The main concern of the residents were fire hazard and the use of emergency vehicles. They also requested it be left open as an essential egress and ingress road. Without that additional road, in case of a fire they would be blocked without access. Response on medical response a concern. Growth will impact the road. He suggested that he would like to see some sort of impact shared by the development. He commented the Road & Bridge on the way CR 115 has been maintained. This will change almost immediately with the increased traffic.

Hal Terrill, associated with Spring Valley Ranch said the PUD was approved 15 years ago. He assured everyone that he was not here to close the road. Hal wanted to clarify a few points saying when he read in the paper a quote -- the newspaper doesn't speak for Chenoa. Hal said he spent 74 years in this area -- it is home. He has a concern for the people of the valley and agrees there will be some impact to CR 115 if the Subdivision is approved and in fact built. He said it takes 3 minutes longer to use CR 114; and pointed out the main interest for the Spring Valley project is off of CR 114. So the impact would mostly be there and CR 115 would not be to the extent as led to believe Red Canyon Road. If they widen CR 114 from Hwy. 82 to the entrance, then he would ask the Commissioners to be cautious and to realize that the facts are not correct in the paper.

Hal asked Michael just how many residents are represented by the Caucus and he would like the numbers and names. He said he wants to know who they are and how many are represented. He also said he was open and willing as long as the residents do not hold the developers feet to the fire and added it was not fair to have the developers do it all. He felt the residents should pay a fair share of the costs. Again he reiterated that he was not in favor of opening or closing the road.

Kathy Tuttle- a resident of 5 years and has a 15 month child. Her concern was reinforced with the fire by Sullivan's place and she realized if they didn't have CR 115 and the fire were to have closed the road then she wouldn't have been able to get out.

Carol Rothrock - the safety issue is her biggest concern. She suggested to make the road one way - so people can get out. She said the new development is closer to CR 114 but there was an entrance close to Red Canyon Road.

Sandy Anderson - of CR 119 used the Red Canyon Road since 1981. The road maintenance for CR 119 stops at their house. This makes the road impassable to CR 114. She said she supports Red Canyon being open; it is a historical road and also C-DOT has a road in front of Carbondale and they have to address a rock fall that needs to be cleaned up as well after a rain. She works nights and uses this all hours of the day and night.

Chairman Martin -assured the public that this was not an issue of closing Red Canyon Road - the subject is improvements.

Jackie Cabrenna - said she would like to see the Commissioners look at a long range solution to Red Canyon; to look at making Red Canyon usable for a lot of individuals.

Calvin Cox - resident, said he watches the traffic and commented that everyone that lives and builds in Spring Valley impacts the CR 115. The road is important and a necessity; it is 22 miles further to the Courthouse to use CR 114 versus CR 115. Fire engines went on CR 115 and sees ambulances use CR 115 as well. He thinks every house will impact the CR 115.

Bob Boyle - Owns property in Spring Valley but resides in Glenwood. He said the 570 units proposed would probably want to use CR 115, if Calvin's assessment is accurate in that it would take less time using CR 115. At present a hour for travel time everyday is taken out of their lives. The impact of the Spring Valley Development as well as other proposed developments will greatly affect the use of CR 115. Therefore, he felt it more than warranted to make this road improved. Safety issues are large. It is vital to the community being formed to have an improved Red Canyon Road. He recommended the Board of County Commissioners improve the road.

Pete Simmons submitted a letter to the Board saying the Commissioners were elected to make the best decisions that affect the residents of Garfield County.

Kim Mechling said she would like to keep it the way it is "travel at your own risk" she said a - shared expense would be welcomed.

Rex Flynn- commented on the impacts by the Chenoa subdivision. He lives at the North end of Spring Valley. Having to go down CMC Road in a severe emergency takes longer and it is very important to have fast transport to the hospital. Joy Kor relies on this road to get to the hospital.

He also commented on the potential of fire danger saying if access is shut off then they are trapped.

Dave Dixon - 6 year resident of Spring Valley commented that the improvements on CR 114 would naturally push the alternate route on CR 115. He said he hopes to get improvements before CR 114 is started so CR 115 could be used as an alternate.

Bob Errington - 3723 - CR 114 submitted a letter for his wife, daughter and himself. He noted a medical emergency involving his uncle who had fallen. He said the ambulance uses the CR 115 as it takes 15 more minutes to run CR 114 versus 115. On Fire protection, he said a project of burning weeds got away from the supervisors and to have an alternative access out of Spring Valley was absolutely essential. He suggested to have 1 1/2 lanes and wide pullouts. He said that washouts are the main problem. Road and

Bridge did gutter maintenance early this year so hopefully this will prevent some bad washouts and ruts in the road. He suggested a technique done the last time Road and Bridge repaired the road which was of using concrete blocks. He added that this method would be far cheaper than widening and a lot of the large construction things. They could take several of the trouble spots and concrete block them and make the entire road a lane and 1/2 without plenty of pullouts. The concrete blocks could also be the base for some guardrail work.

***Comments:***

Bob Szrot was not as optimistic on CR 115 saying it is a significant safety issue and he estimated \$2 to \$2-5 million to fix the road. Look at creative ways to gain property to widen; listen to the folks; he said there is no way to lay the rock back and no way to build up plus it creates a very dangerous interchange at Hwy. 82.

Commissioner Martin agreed that traffic on CR 115 will increase; he favored trying to come up with funds to share the cost to improve the road.

Commissioner McCown stated there is no option for a change in maintenance or improvements for CR 115 in the 1999 budget. He commended Kenny from Road and Bridge for his work and suggested to leave Red Canyon Road as a status quo for this year.

Commissioner McCown asked Bob Szrot as we know Red Canyon Road today, be developed to a 8% grade road with 20 feet of driving surfaces and a 4 foot shoulder which is what is required by County standards? That existing roadway can not be developed and an alternate route or something for another egress or ingress off of that Mesa. The existing Red Canyon Road as we know it today can never be a Glenwood Canyon.

***Staff Direction***

Chairman Martin indicated they couldn't give staff very much direction other than the Commissioners don't see Red Canyon as being developed to county standards to make it an egress/ingress to any more development. That's been the position of many Board's prior to this one. We'll keep it open as long as we can; maintain it as we have; and as far as the future costs, work will have to be done as to how to find the money and also how to design it. It will be a lot of work.

Commissioner McCown reiterated that the Board is committed to continue maintenance of that road for emergency egress and ingress; there are no intentions of closing that road; but he personally does not feel comfortable spending \$5 million dollars on that road.

Chairman Martin suggested the possibility of looking at a taxing district, a toll road or some kind of collection to make those improvements necessary.

Mark asked if the staff should go back to review the capital improvements plan for that area and take a look at some of these costs so at least the Board will have some idea of what the road impact fees may generate in terms of improvements depending upon which direction the Board decides to go on the roads?

Commissioner McCown said he anticipates the majority of the improvements and safety to be applied to CR 114 because it is going to be easier and cheaper to deal with.

Chairman Martin said however, there needs to be some mechanism to address CR 115 and we need to do it. Ignoring this will only enlarge the situation.

Don said this proposal comes back to the Planning Commission on December 8th and in order to address this issue with this development, he asked if the Board wanted them to address this issue with this development or not?

Commissioner McCown asked if Don was meaning to go back and put CR 115 on the capital improvement plan and if it would automatically be addressed?

Don said it involves more than just putting it on -- they need to know what it is and that's the problem.

Staff does not know what if any the Board wants to do to Red Canyon. If none, then the developer doesn't have to address any.

Chairman Martin said there was a need for a guard rail system; rock fall mitigation of some sort; widening in crucial areas; one point on dead man's point that is down to one lane of traffic and on a blind curve in both directions and this needs to be addresses. There are many safety issues on that road.

Kenny from Road and Bridge stated the road varies from one lane of 14 feet to two lanes. There is a lot of undermining on the bank in places where many people are not aware of.

Don referenced the third page of the study previously done in 1983 indicates that they used a 35 foot road template with the existing county standards which at that time anticipated chip and seal surface of



appropriate sub-grade and either 11 or 12 foot driving lanes. This indicates a total of 35 foot width. The grade was 8% for number one and 8.5% for alternative 2 and 3.

Direction for staff

Go back out for numbers from an engineering company using current numbers or can Tom provide this for us to go back to P & Z.

Don said if Tom or Bob know what the Board wants to do in terms of improvements, they can answer the question as to whether or not they can do or if they need to get an engineer.

Commissioner McCown said in respect to future planning, nothing less than the numbers Don quoted from the 1983 study would be adequate. He suggested getting the numbers it would cost to bring it to a 35 template at 8.5% grade. He suggested using the figures SGM has and inserting some updated numbers to move a yard of rock, chip seal a mile of road, etc.

Bob Szrot said he didn't agree fully with the SGM study and stated he didn't think they addressed the width issue because of two directions, you can dig into the rock to widen it or put something over the edge. That last section of the road depends on the geology of the rock and if the Board is looking at digging in, then the entire height of the cliff needs to be removed and find a place for the rock in order to widen it every foot.

Chairman Martin suggested they review the study, go ahead and bring in some inaccuracies forward if Bob disagrees and have the information why you disagree.

Commissioner McCown did not want to spend \$50,000 on another study.

Chairman Martin stated this would be forwarded to the P & Z on the overall costs as to what this road will bring.

Don asked if this needs to come back to the Board then to make a determination so the developer could be advised in this case.

The Board requested this be brought back to the Board by November 1st so a decision can be made as to what the County will do with the road and how to impose conditions, the kind of impact for the future. All this needs to be involved with this developer. A date was set to have this in by November 1st or 8th.

### ***Consideration and Final Action: Jail Financing and First Meeting of the Garfield County Building Corporation***

Blake Jordan, Cindy and Fritz Lundin, Alpine Bank John Cooper, Ed Weiss and Alan Matlosz were present.

Chairman Martin noted that some of the members of the Corporation were present but not all.

Commissioner McCown inquired as to how these members were notified.

Blake Jordan said they got three.

Commissioner McCown said he was under the understanding that each Commissioner was to pick three and they were all to serve.

Blake Jordan with Sherman and Howard, Bond Counsel to the County said he did all the documentation for this. There may have been some confusion about this. He got a list of 9 names and he put them all on and then sent it to the County and then someone told him there was supposed to be just three; Blake said that's fine to and so he talked to Don and took everybody off but the three that are present today. It could be, since this is the organizational meeting, however, the Articles of Incorporation have been signed and filed with a 3 member Board of Directors. This was done last Wednesday.

Commissioner McCown said he thought this was discussed in public session and all 9 of those members were to be on that Board.

Commissioner Stowe agreed.

Don said that was not the direction he received. He added that he wasn't present when this was discussed so his understanding was that the Board would give them a list of 3 names from each Commissioners from which they were to select three board members.

Commissioner McCown noted that the minutes of the last meeting will reflect all 9. He said he didn't know where the breakdown occurred - what it was going to do to the Charter, but the minutes will reflect a 9 member board.

Blake stated the Board could decide now. The nonprofit Corporation can be formed by anyone and does not require any formal action by the County. The action to be taken by the County is to enter into some contracts with that organization which is a duly organized nonprofit corporation. The number of board members can vary. If the County is uncomfortable with the current composition, another corporation can

be formed. They are all set to go with 3 members and they can complete the transaction the same as it could be completed with 9, except there is only three.

Commissioner Stowe asked who contacted the other names submitted.

Don stated he did not know if Ed's office did so or not.

Chairman Martin inquired of the Board if they wanted to accept the corporation with the three members or should they have all 9 members.

Commissioner Stowe said he was comfortable with the three but he knows Commissioner McCown talked to some people first and he likewise and didn't want to burn any bridges for the future.

Commissioner McCown said he didn't have a particular problem with the three members who are on the Board in any way, but it is not the direction that this Board gave and he didn't know where it broke down -- he suggested they proceed with the three that are on there -- but that is not the direction given by this Board.

Commissioner McCown moved to proceed with the three members that are being presented with the Articles of Incorporation. Commissioner Stowe seconded; carried.

Resolution approving the execution of all the documentation for the lease transaction.

Blake explained that this is releasing the building to be built and the "debt service" that the County is going to pay which is actually a rental payment. There is an Exhibit that is the real payments amortized for the payments under the certificate participation issued by the Building Corporation.

The only thing independent within the documents is a required covenant regarding secondary market disclosures which are required for issuance of security. It's a federal law that applies to the underwriters. In this covenant the County is taking over that obligation.

Blake reiterated the certificates are insured with AMBAC and therefore are rated AAA. He said the closing will be one week from today and the interest rate is 5.62%.

A motion to sign the Resolution was made by Commissioner Stowe and seconded by Commissioner McCown.

Allen Sartin and Alan Matlosz went over the figures last week in terms of size and payments, etc.

Vote: Motion carried.

### ***Garfield County Building Corporation Members***

Fred Lundin, Ed Wise and John Cooper; Cindy Lundin in the Incorporator.

The Building Corporation met with Blake Jordan and Alan Matlosz, held their initial meeting, elected officer, and adopt a Resolution similar to what the Board just adopted.

### **CONSENT AGENDA**

A. Approve Bills

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the bills; carried.

B. Sign Resolution of Approval: Coryell Ranch Planned Unit Development

C. Sign Resolution of Approval: Coryell Ranch Planned Unit Development Preliminary Plan

D. Sign Resolution of Approval: Los Amigos Ranch, Filings 6-10, Amended Preliminary Plan

E. Approve Amended Plat: Mackie Subdivision Exemption, Lot B

This was explained as an approval for the Board to sign later.

F. Sign Resolution of Approval: Alpine Animal Hospital

G. Sign Special Use Permit: Alpine Animal Hospital

H. Sign Resolution of Approval: Alpine Banks Preliminary Plat Submission for Lot 3, Town Center, Filings 1, Battlement Mesa

I. Sign Resolution of Approval: Weigner Special Use Permit for a Duplex

J. Sign Special Use Permit: Weigner

K. Sign Resolution of Approval Concerning a Zone District Amendment: Robert Regulski/Rifle Ski Corp.

L. Sign Resolution of Approval: Special Use Permit for Accessory Dwelling Unit: Charles Griffin

M. Sign Special Use Permit: Charles Griffin

N. Sign Two Original Copies of the SIA & Accept Letter of Credit: Andrew Marais, Rifle Creek Estates, Filing 2, Final Plat

O. Sign Original Mylar Final Plat: Andrew Marais, Rifle Creek Estates, Filing 2, Final Plat

P. Sign Resolution of Approval: Timber Harvest Conditional Use Permit, Colorado Timber & Land Company

Q. Sign Resolution of Approval: Garfield County Affordable Housing Guidelines

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve Items B - Q on the consent agenda; carried.

R. Approve Liquor License Renewal: Buffalo Valley

Mildred reported that Kurt Weir was picked up for alcohol use but not convicted of anything yet. She stated it was up to the Board today as to whether or not they wanted to approve the Liquor License Renewal for Buffalo and if they do approve today and Kurt were to be convicted it will still be up to the Board if they wanted to bring it back up.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the liquor license for Buffalo Valley; carried.

#### **PUBLIC COMMENTS FROM THOSE NOT ON THE AGENDA**

##### ***Oil and Gas Meeting - No Commissioner Present - Gene Park from Battlement Mesa Reported***

Gene Park stated that he was upset regarding an Interim Meeting comprised of the legislatures who came to Battlement Mesa in a scheduled meeting with the purpose of finding out about Oil and Gas problems in this County. They had been to La Plata County and Weld. - 200 citizens showed up. There was a Commissioner at present in La Plata and Weld but not in Garfield County. Legislator Larson took it to mean that there was no concern in this County. Gene said he couldn't explain why there wasn't a Commissioner present. He asked why? He said if the Commissioners were so busy that they couldn't attend, then they should have appointed someone to go and represent them. One of the things that they came out and made a statement about was that part of the reason the interim committee was coming to these areas was to see if local government could have more of a say so in the oil and gas activities. This wasn't a lost opportunity to provide them with input. Now the legislators will sit down and draw up some recommendations. They don't want to harm the interest but change the make-up of the Commission. Now it is required that a Commissioner has to be present from every district. Now they want to have two from La Plata, Weld, and Garfield on the Committee since these are the areas hardest hit. Another thing they are going to is to get their contracts cleaned up and a disclosure statement added saying to purchasers of real estate that you are only buying the surface rights and not the mineral rights. A lot of individuals who have moved from other areas do not understand that this is a problem. The surface owner does not have an opportunity to do a lot about it when someone shows up and says they are going to begin drilling on their land.

It was a structured meeting. There was a lot of input from the community and interest from the floor, over 30 people came forward and made their comments. It was a good meeting by providing information but also to allow the audience to speak.

Gene asked for an appointed spokesperson.

Chairman Stowe reminded Gene that September 20 was an official meeting day and a lot of the staff were involved in the meeting.

Chairman Martin acknowledged they could have appointed someone to attend and bring back information. He acknowledged that the Commissioners dropped the ball in this instance.

He thanked Gene from coming forward and said they will notify the Commission that they were involved in a meeting.

Gene was told that a letter was sent to the Commissioners inviting them to a tour on Tuesday, September 21 as well.

Commissioner Stowe remarked that there was a breakfast meeting at 7:00 A.M. with the City and a continued meeting of the Board on that date as well.

Gene mentioned communication could have been made letting them know that the date they set was not convenient.

Gene announced that he and his wife are moving to Arizona in the very near future so someone else will need to be the watch dog regarding oil and gas activities in Battlement Mesa.

##### ***Weed Mapping - Dry Hollow***

Steve Anthony and Dennis Davidson of Natural Resources - Southside Soil Conservation regarding the Dry Hollow Weed Management were present.

Dennis stated the one thing they were asked was to find funds to come up with mapping to see where the weeds were in Dry Hollow. Some funds are available for this. They requested \$4500 from the State to assist in this project but those funds need to be locally matched. They received \$1750 to go to a mapping project. They need a match from some local entity. Dennis was thinking that he could use Sherri his clerk for some in-kind; some funds from Steve Anthony's Weed Management Budget; and requested help from the Board with funding that wouldn't additional hurt Steve's budget.

The Board offered the use of the GIS system and Rob Hkyk's time.

Dennis stated they need time in the field to do the mapping. The full 8,000 acres being mapped is the situation they are facing currently.

The total project is at \$8,000 and asked \$4500 to match for the State.

Steve Anthony suggested his time and about \$800 or \$900 dollar match. He was hoping to get a landowner to work with him in that area.

Commissioner Martin suggested the possibility of finding some funds for this project.

Steve mentioned he could find the \$800 or \$900 in his budget.

### ***Weed Board***

Steve said the first meeting will be held on Thursday, October 14 at the Courthouse.

#### **Motion**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Agreement between the Southside Soil Conservation and Garfield County; carried.

### ***Update on Battlement Mesa Fire***

Dennis stated they have issued a purchase order to apply the seed and use the airplane to sow the seed over 200 acres with land natives and crested wheat grass. This is through the watershed portion of Southside Soil Conservation.

### ***Energy Impact Grant Prioritization & Decision***

Ed stated that the requests are:

The jail and a request submitted by Glenwood Springs for the South Glenwood Water Storage Facility.

Ed said they sent a letter to each municipality giving notice.

Vote Results:

1st place - Jail

2nd place - Glenwood Springs

Ed explained that photos were taken and will be implemented into the presentation.

The grant being requested is for \$500,000 and the cost for the jail is \$13 million.

Glenwood Springs' request is for \$150,000 for a \$600,000 storage facility.

Ed said that on October 23 the presentation will be made before the Energy Impact Grant Committee and the committee has until the first of November to decide.

Ed explained that should the County receive a denial of this grant, it will stall the Road and Bridge Facility at the newly acquired Rifle Property near the Airport.

### ***Mail Ballot Election***

Mildred reminded the Board this was a mail ballot election.

Commissioner McCown asked why only the mill levy increase question was on the pro con statements they received in the mail regarding Home Rule.

Mildred explained that only a taxing question was necessary to put on the pro con statements.

#### **PUBLIC MEETINGS:**

**REQUEST FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION. LOCATED: APPROXIMATELY 2 MILES SOUTH OF RULISON, OFF CR. 301. APPLICANT: JAMES AND JUDY LEMON**

Kit Lyon, Mark Bean and Don DeFord were present.

This will be continued until March 6, 2000 in a motion made by Commissioner McCown and seconded by Commissioner Stowe; motion carried.

Kit Lyon, Mark Bean

**REQUEST FOR APPROVAL TO AMEND THE TASSADA EXEMPTION PLAT. LOCATED: SOUTHWEST OF RIFLE ON CR. 320. APPLICANT: RODNEY WINTER & SHIRLEY DONAGHUE**

John Savage, Kit Lyon and Don DeFord were present.

Don DeFord noted that under an exemption it does require both notification and publication to adjoining property owners within 200 feet.

Kit clarified that this was not a public meeting under Section 8.

Chairman Martin acknowledged this was not an exemption under Section 8 and did not require any notification or publication.

Kit gave a brief overview of the project description of the amendment:

She explained this was to move lot lines between Lots 2 and 3 of the Tassada Exemption Plat to increase the acreage of Lot 3 from 22.586 ac. to 27.592 ac. and reduce Lot 2 from 28.372 ac. to 23.366 ac. and add a 50.0' access and utility easement between the two lots.

There will be a change in Easements: Add a 50' wide utility and access easement along the lot line between Lots 2 and 3, no change in public road access for either lot.

John Savage presented saying that they wanted to take five acres out of the mother's lot to cut the cost.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve this requested amendment on the Tassada Exemption and when the plat comes in, they will make a motion to sign the plat; carried.

**CONTINUATION OF REQUEST FOR APPROVAL OF THE KNOX CONDITIONAL USE PERMIT FOR AN AIRSTRIP. LOCATED: LOT 4, SECTION 2 & 3, TOWNSHIP 8 S, RANGE 96W. SOUTHWEST OF PARACHUTE, NEAR BORDER OF MESA COUNTY. APPLICANT: LARRY D. KNOX**

John Barbee of SK COLLABORATION of Silt, Colorado filed a formal withdrawal of the Knox SUP application to allow for a more comprehensive submittal in the near future.

**REQUEST FOR APPROVAL OF THE ARBANEY SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT. LOCATED: ALONG COUNTY ROAD 137, NORTHWEST OF GLENWOOD SPRINGS, CANYON CREEK AREA. APPLICANT: BRUCE AND RUE ARBANEY**

Don DeFord, Kit Lyon, Scott Balcomb, Bruce and Rue Arbaney were present.

Don determined that adequate notification and posting were in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit Lyon submitted the following Exhibits for the record:

Exhibit A - Returned Receipts; Exhibit B - Garfield County Zoning Resolution; Exhibit C - Garfield County Comprehensive Plan; and Exhibit D - Staff Report with Attachments

Chairman Martin admitted Exhibits A - D into the record.

Kit reviewed the staff report.

Kit stated this is a request for review of a Special Use Permit to allow for an accessory dwelling unit for Bruce and Rue Arbaney on 42+ acres with access off CR 137. The 42 acre site is currently occupied by a 600 sq. foot cabin in which the applicants currently reside. This same property was going to be divided into 4 lots by exemption in 1995, when conditional approval of the exemption request was obtained. The applicants never met the conditions of the exemption approval and thus the parcel remains 42 acres in size. She reviewed the application and the 6 recommendations of staff.

Recommendation:

Staff recommends APPROVAL, with the following conditions:

*To ensure that the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County:* 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.

*Pursuant to Title 30, Article 28, and Title 29, Article 20 of the Colorado Revised Statutes:* That the applicant meet all requirements of the Garfield County Zoning Resolution of 1978, as amended.

*Pursuant to Section 5.03.021 (7) of the Garfield County Zoning Resolution of 1978, as amended:* That any renovation to the existing cabin, which will be the accessory dwelling unit, must meet the adopted Garfield County building code requirements.

*To ensure that the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County:* That all State and Local health standards be met and that the applicant acquire an adequate ISDS permit at the building permit stage.

*Pursuant to Section 5.03 (2) of the Garfield County Zoning Resolution of 1978, as amended:* That the applicant obtain a driveway permit from the Garfield County Road and Bridge Department prior to the issuance of a special use permit.

*To ensure that the proposed special use permit is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County:* That the applicant obtain a changed or new well permit in order to provide groundwater, rather than ditch water, to the accessory dwelling unit.

The Commissioners added in item no. 6 "as well as providing water to the new unit" to make it clearer.

Applicants Comments:

Scott Balcomb stated the new structure has an ISDS system that has passed it's test in response to No. 4. And No. 5, Scott said there is a grandfathered driveway permit that had been approved by King Lloyd, former Road and Bridge Director. He also commented on the ditch water and asked for a safe and palpable water system that would meet the requirements of the health department.

Exhibit E - an approved ISDS system and Exhibit F - an approved driveway permit were presented and accepted in the record.

Public Input

Dave Temple, neighbor of the Arbaney's on the southwest said he was curious since he read the staff report as to whether or not there was to be a third dwelling.

Scott Balcomb stated there was no request for a third structure and explained the water situation.

Scott acknowledged that they couldn't do anything about the Vulcan Ditch. No new driveways were being created.

Kit suggested some changes conditions: No. 4 reads - "An ISDS permit does refer to the new house and to strike No. 5 and change No. 6 to read "That the applicant satisfy staff that a safe water source that meets County standards has been provided to the new unit as well as to the accessory unit prior to the issuance of the Special Use Permit.

Scott Balcomb said they could live with those conditions

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Special Use Permit to allow for an accessory dwelling unit with the recommendations of staff as noted and corrected striking No. 5; notation on No. 4; and No. 6 with an approved method or treatment system to treat the ditch water as approved by staff; carried.

**REQUEST FOR APPROVAL OF THE TOLER SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT. LOCATED: APPROX. 1/2 MILE SOUTH OF SILT, OFF OF COUNTY ROAD 311.**

**APPLICANT: THOM TOLER**

Don DeFord, Mark Bean, Mr. and Mrs. Thom Toler were present.

Don determined that adequate notification were in order and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark Bean submitted the following Exhibits for the record:

Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application;

Exhibit D - Staff Comments and Exhibit E - Garfield County Zoning Resolution.

Chairman Martin admitted Exhibits A - E into the record.

Mark stated this is a request for review of a Special Use Permit to create an accessory 3 bedroom home from an existing shop building for Thom and Camille Toler. The 6.87 acre site would allow conversion on an existing two story shop into a three bedroom, two and three/quarter bath home. Legal access will be provided by CR 331 for both homes. Each unit will have a separate driveway off CR 331. Any additional access to the property will require a driveway permit from the Road and Bridge Department.

Recommendation:

Staff recommends denial of the application based on an legal source of domestic water for two dwellings as presently proposed.

Applicants Comments:

Mr. Toler said there is an existing well permit and Mrs. Toler commented that she has the approved well permit at home but didn't bring it. They went through High County Engineering. She asked if approval could be conditional upon them presenting the approved well permit.

Recommendation:

Mark said if the Board does approve this request, then the conditions would be the same as in the standard boiler plate including: that the accessory dwelling not be over 1500 square feet; that all new construction be

consistent with the Uniform Building Code; that all representations of the applicant will be considered conditions of approval.

Mr. Toler said the house they've been living in for three years is 950 sq. ft. and they have two kids. So it would be a reversal where this would be the accessory dwelling and the new structure will be the primary dwelling.

Mark agreed this was not a problem.

The Tolers submitted the plan for their new home.

Exhibit F was admitted into the record.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the special use permit request by Thom Toler subject to the evidence of an existing well permit that would provide an additional well and with the comments made by Mark Bean as to the County's standard verbiage for an accessory dwelling unit;

Mark commented that when the well is tested, they also need to submit a copy of the pump test and the water test for nitrates, bacteria, dissolved solids and suspended solids.

Mr. Toler said they are also putting in through Western Water Treatment a treatment facility to purify the water according to what the tests show.

Motion carried.

#### ***Executive Session - Land Use***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into Executive Session to discuss Land Use Handling by staff; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

#### **CONSIDERATION OF IGA ON AFFORDABLE HOUSING WITH GARFIELD COUNTY HOUSING AUTHORITY**

Victoria Giannola, Housing Authority Shelia Smith, Board Member of Housing Authority Tom Beard and Calvin Lee, Attorney Larry Green and Margaret Long were present.

Don submitted a draft of an IGA for the Board to review. He reviewed the performance issues; indemnification to hold harmless; the eligibility of those living and/or working in the County with a preference to those both living and working in Garfield County; and the term of the agreement. Don recommended they start the agreement today and run it at one-year cycles.

Don informed the Board that this was potential to Civil Rights Claims and wanted them to be aware and comfortable to have enough insurance coverage to protect against these.

Victoria asked for clarification within the IGA on the guidelines adding the inclusion within the Subdivision Regulations.

Don mentioned prior to December 15 the Housing Authority would need to renew the contract of \$45,000.

Tom stated the Housing Authority approved the basic contract at their last meeting so this could move forward.

Don said he needs authority to adopt the IGA with the Housing Authority to provide services in the form of a first draft with the changes as set forth to IGA.

Margaret asked the percentage of the families served will be under \$75,000 a year income?

Tom Beard stated it will all be under 165% of the median - \$45,300.

Margaret suggested some she had TANF Funds there may be some potential for expansion would be available to be used and have a mechanism to use some funds within the Affordable Housing. Margaret stated she had talked to the Board about this at the last meeting.

Commissioner Stowe made a motion and Commissioner Stowe seconded to authorize the Chair to sign the IGA with Housing Authority with additions as set forth; carried.

#### ***Other Issues not on the Agenda***

Agricultural Cluster Development Task Force - Workshop Tuesday

***DA Accounting System***

Patti VanKausky expressed concern to Don regarding the DA Accounting being pulled out from the County saying the County may be responsible for Workman's comp.  
Ed will pursue that.

***McInnis - Supporting the Forming of the RCL***

Chairman Martin stated that at the meeting Friday he needs to have a Board decision as to the position they want to take in supporting the formation of the RCL.

Commissioner Stowe committed to reviewing it and have a telephone conference advising Mildred and Commissioner McCown.

***Road and Bridge***

Ed inquired if it would be okay with the Board to make improvements to the County Road where their new facility would be located if time permits. He referenced the culvert material to bridge the swale so that when we get ready to lay down the buildings, they would have it in place.

***Recess until October 12 - Parachute.***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

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**OCTOBER 11, 2000**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**  
**PARACHUTE TOWN HALL**

The SPECIAL meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 11, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

Don DeFord and Mark Bean were present from the Garfield County Staff.

Chairman Martin thanked Parachute for allowing the Board to meet with them today in their facility. He requested any one who wanted to speak to sign in.

Chairman Martin swore in those who would like to speak.

**AMERICAN SODA**

Tim Thulson, Dennis Stranger, Scott Balcomb, Charlie Yates, Ford Frick, Consultant, Jennifer, Lakins Mello of BBC, Manager of American Soda Chis Freeman, Service Manager American Soda Ed Cooley, Kurt Neilson Manager of American Soda; and Ed Hullock of Kaeverna Metals Contractor were present for the applicant.

Dennis Stranger presented an overview of the Yankee Gulch Project. The applicant made the pre-application and the information today would be a prelude to a more detailed study of the physical impacts at the old UNOCAL Site. The applicant in his application has asked for several exemptions within the project.

The Board will be dealing with the request for the exemption today.

Tim Thulson, Law Firm of Balcomb and Green to present the basics of the exemption requests for the project.

Tim stated that on May 17, 1999, American Soda had the understanding that the fiscal mitigation program would not apply for them. They originally did not believe they would exceed the limit of 200 workers either during construction or operation, however, the project skyrocketed and they did go over the limit however.

On August 8th, a temporary reprieve was requested of the Board of County Commissioners stating it would be followed by a fully executed fiscal impact analysis. The temporary exemption was requested for 90 days. As they were required, they did initiate the procedure.

The exemption request is to be totally exempt from any further analysis of fiscal impacts and the County's Impact Mitigation Program which would require a more detailed socioeconomic impact of the project and require them to hold two public hearings to receive input from the community.

Ford Frick presented an overhead of the Yankee Gulch Project - Impact Analysis Results that was prepared by he and Jennifer Lakins Mello of BBC Research and Consulting.

The charts showed the work force in construction lasting for a period of between 9 and 10 months. 1/3 of the impacts have been felt. He commented that there is a mine set in Rio Blanco and a processing plant in Garfield County.

The ***non-local direct impacts*** were described as persons working that are not residents of the County who will be coming in to fill temporary jobs with special trades. They are at 100 now and he anticipated it will rise to approximately 400 in February or March of 2000. This is the primary impact and will require finding housing and services. The overall of non-locals and specialists will peak to 800 in March of 2000.

The ***local direct impact*** consists of contractors in and out of the local area.

The secondary impacts will peak at 1100 in February or March of 2000.

The diagram shows the highest impact.

This area has full employment and the ***secondary impact*** affects those already here and those also coming in.. This is a theoretical concept. This is for Parachute Site and Piceance Site.

In Garfield County they are anticipating a minor impact. There are pipeline workers currently on board.

***Where are they living?***

With respect to the estimated residency patterns of non-local direct employees and the shift in workers, their research looked at temporary housing. The Battlement Mesa and Parachute areas were the main areas impacted. Meeker, Rangley and Rifle will maintain the rest of the workforce. They contacted the hotels and motels in that area and housing is available. Rifle is the most constrained in short term housing.

#### ***Population Distribution Assumptions***

The percentage of local employees working at the Parachute Site and the percentage of employees working at Piceance Site and the percentage of secondary employees were shown on a chart.

They based their predictions on 1.3 persons for the non-local direct impacts - some with spouses; the secondary workers will come 2.65 per household - mostly with younger children or at least those in elementary/middle schools

#### ***How will the economy change in this area based upon the Yankee Gulch Project?***

People who have residences and have the opportunity to find employment in this area will have more probability of finding work here instead of commuting to Pitkin County. If anything it may affect Pitkin County and their ability to draw workers. This is temporary and will only be for a short period of about 8 months.

A total of projected property tax revenue was estimated at \$1,737,910.

Tim Thulson asked Charlie Yates to provide the history of the project and bring the Commissioners up-to-date on the Yankee Gulch Project.

Charlie Yates punctuated the secondary work force and the actual impact noting that these were local residents taking a job. ConSy - a local major employer of 336 - currently has 24 current residents employed at the project. They were formerly working in Pain and Montrose but now they are in Garfield County and they were unemployed at the time. He further explained that a lot of folks from Utah and Wyoming as well as Colorado are the major workers.

In Garfield County they have seen the majority of impacts they are going to see. They see this by the employees who are living in Battlement Mesa and Parachute. Steps have been taken to make sure the housing will be available. Tom Beard is planning on converting guest suites and over 50 RV sites within the Battlement Mesa area that they can resect. John Loske in Super 8 Motel has housed 29 out of the 108 and currently has 17 rooms rented. With winter rates John said he could make an additional 60 rooms available. A small overflow may be experienced from Rio Blanco and could be an impact on Rifle and Battlement Mesa. Rangley has housing available for the Piceance Site.

Charlie referenced Green River and how the infrastructure was not available and they had to camp along the rivers, staying where they could. Those kinds of impacts took advantage of the fiscal impacts. This even made the TV Program - "60 minutes". Since the 70's industrial sites have been implemented. In advance of the revenues, there is a mechanism to take care of this.

Charlie said he understands Unocal and the impact; however, today in this county it has the infrastructure in place. Talking with various community leaders, the conversation has yielded that they are able to deal with the impacts. School issues have been discussed with school officials and so far from the project there are only 14 children in the schools. From a town standpoint, Charlie said he has discussed the impact issue with the mayor; the police contacts have increased. He suggested that the council be informed that mitigation will be worked out - possibly an extra policeman.

Juanita Satterfield said she had a concern regarding revenue to the town versus the county for the impact on their town roads.

#### ***Transportation Issues Raised***

Charlie addressed how to deal with the peak work force traveling to Piceance Site. He said they have looked at this issue and do not feel it is an issue for the Parachute site. A survey of the folks was done and an average of 1.2 people per vehicle was projected; it is 2 people per vehicle which is far lower than expected at this site. He also indicated that individuals are buying vehicles primarily for a work vehicle. Additionally, over 1/3 of the vehicles are associated with the contractors. Rather than busing folks, they are suggesting to Rio Blanco that staggered stop/start times be implemented in 2 -- 10 hour shifts daily and again staggered working 20 out of 24 hours.

***Secondary Work Force*** is characterized as attracting new employees. He added they have seen well over the majority of impacts they will see. The County is handling this very well. A good part of that is due to the project that they were able to start on May 12th and currently on schedule and it is going very well and

very smoothly It's been very easy to manage this project. However, Rio Blanco is not and they expect to break ground in the winter.

Dennis Stranger prepared a review of the memo dated October 5, 1999 regarding the application for the project impact analysis. This was entered into the record as Exhibits A.

Dennis summarized regarding the Secondary Work Force that one of the advantages of the fiscal and physical impacts is that they are short in duration.

***Distribution of Work Force*** - the workhorse peaks out at 350 workers. One of the issue will be the spill over from Rio Blanco County into Garfield County. Dennis and Mark Bean met with Rio Blanco County Commissioners and discussed these issues. The Board expressed a concern that they did not feel the housing issues have been adequately dealt with.

Construction schedules continue as planned, most are in agreement that long term economic benefits will be seen by Garfield County. 712 people who will live in Garfield County will be working at the site. The impact areas in Parachute is estimated to be a 16% peak. However it was also noted that the art of an estimate is not critical. Anytime a town increases, a 5% impact will have an effect of services. Some impacts extend as far as Rifle.

The other issue that complicated American Soda is the Rio Blanco site. There is another project in Rio Blanco with a 130 workers impacting their County. The Board said they have gas and oil projects kicking off -- Rio Blanco same as Rifle and do not have a way of dealing with these issues.

***Exemption request asked for by American Soda - Garfield County Fiscal Mitigation***

American Soda has asked to be exempted entirely from the fiscal impact process. Alternatively they've indicated their willingness to prepare a fiscal impact and process that simultaneously with the permits.

Dennis sees very little reason why the second request could not be granted. He suggested a 3rd alternative -- it seems to him that since it isn't a big project, it is a manageable size -- to contract on a couple of issues and analysis this further. He suggested they could do direct efforts with a mitigation strategy with. Dennis said the issues identified were housing availability, transportation and traffic. He further stated that the police chief has indicated that the load has increased and that it may be related to the project. A housing monitoring program is to be looked into as well.

Tom Beard of Battlement Mesa Management Company said he sent a letter to Charlie Yates stating Battlement Mesa has the capacity for some 50 RV sites and up to 94 total rental units. He commented that Battlement Mesa didn't feel there was any difficulty in absorbing the housing. 54 units are occupied presently and another 40 guest suites are being converted to full-time apartments.

The RV units will be resurrected 5 units at a time. It takes 2 weeks to get these prepared, therefore, communication with Charlie is essential.

With regard to food service, gas, solid waste -- these types of impacts, there is no problem.

Tom Beard's letter addressing the availability of housing and services was entered as Exhibit

Jim Komatinsky of Meeker who is the planning director for Rio Blanco said his area was impacted more strongly than Garfield County in the second phase. Rangley and Meeker would be happy to fill their vacant housing space to 100%. He didn't think America Soda had provided the numbers for them to know and compare how the impact would affect them. The problem is having other industrial bases like AmerAlia Company, another nahcolite project, coming into Rio Blanco County during the same time. The bottom line is when their communities are full, some may come down to Garfield County.

Charlie Yates - responded that the numbers Rio Blanco are seeing now are the worst case.

Carol Distmanson - Economic Development Director for the Town of Rangley said she has worked with Ed Cooley who has looked at vacancies. They are comfortable with the impact projections but they are not impacted like Meeker. Regarding Mobile Home Parks vacancies, the Town of Rangley will do a variance and allow RV's. During peak times, an apartment unit on the college will be vacant from the students and they can use this for housing the workers. Concerns with projects on 139 Coastal aggressive with oil. The numbers American Soda has given them are not concern. The town manager wants to welcome American Soda to the Town of Rangley.

John Loscke of the Town of Parachute said there was a lot of housing available in the area of Parachute.

Super 8 Motel has 17 units occupied of the 108 total. 60 units are being made available to American Soda.

As Mayor of Parachute, he said that the full council has not had a meeting to address this housing issue.

Dennis has been saying to Parachute that it's not oil shale nor long term issues. John said he sat down with Charlie and Ed and the studies are fine but there isn't anyone with a crystal ball to project the impacts.

Charlie Yates commented that sales tax and property taxes will pay for the impacts to the various towns.

Shirley Willis - Grand Valley Citizens Alliance - spoke in support of American Soda. She said they have kept the people informed and this project has brought some hope to the community.

Gene Park of the Grand Valley Citizens Alliance addressed the impact on the roads and he commended the Garfield County Commissioners and staff on the work they have done with American Soda. He added that American Soda has from the beginning been open and very cooperatively on any negative comments. From an Environmental Assessment they have addressed these in meetings when these comments were made to them. He thinks as time goes on, this company will be recognized nationally as setting an example as to what a company can do -- make money and respect everyone in their community making a plus to all involved.

In closing, Gene said American Soda has taken some shots lately by some hired guns who have been doing everything to keep the permitting process from going through.

Mary Anderson - Park and Recreation Commission District - said she could see the additional growth on top of the 2% normal.

Selby Meyers, City Manager of Rifle commented that he welcomed American Soda in terms of the long term economic impacts. Rifle is looking forward to long-term residents. He stated that of the 100 new units built in Rifle this year, he was surprised to see that there were only 13 vacancies and most of those were apartments.

Impacts - he doesn't know for sure but based upon the figures provided he added they would indicate the need for another policeman or it could be absorbed with police overtime. Potential impact from Rio Blanco may create some problems. He added that Rifle could be a service center for groceries and gas.

Ed Cole - Parachute - owner of 100 acres was concerned about the rest of CR 215. He was glad American Soda is coming in.

#### ***Summation and Closing Statements - Action Requested***

Charlie Yates addressed the CR 215 saying he knows that 1) CR 215 is a concern to the County and American Soda with the County's agreement fixed the dip by the railroad crossing. They are taking core samples of the current conditions of the road and will be providing for the ongoing impacts

Tim Thulson agreed that this is a condition that the road be brought to the original standard and is part of the condition of approval for the SUP.

Charlie added that number 2) on housing -- they have been active in Rio Blanco County and have surveyed all the roads; studied the RV sites and all that has been mentioned here today. He made projections on the ability of Rio Blanco to meet the needs and stated he thinks they can.

3) They intend to do in Rio Blanco and Garfield a more in-depth study as to what kinds of apartments, RV parks, and motel including prices, the numbers allowed, and give these facts to the contractors showing what is available. He wants to have a news letter once a month listing the availability of the housing in the areas.

Charlie said that weekly monitoring of the work force at the construction site would be provided to the county, schools, municipalities and expanding that sphere of information in order to have as much possible available. Charlie said he had spoken to the police in Rifle and had met with Chief Darrell Meisner who agreed there may be some overtime to deal with the impacts when it occurs in Rifle.

#### ***Action Requested***

Charlie asked for some sort of Resolution that gives American Soda an Exemption from the Impact Mitigation Program. He said it would help them to have no lengthening of the SUP process other than what is decided here today.

Ed Hulock said the way they can tell the impacts is by a survey of the contractors and the percentage based on where they are living now. They try to hire locally. The projected are only based on past numbers but they can do a survey for the future.

im Thulson - said today they were asking the Board to approve two exemption requests.

1) that American Soda be exempted from the Fiscal Impact Analysis (5.08.05) and Impact Mitigation Program (5.08.07); or

2) that American Soda be allowed to process its application for Special Use (Product and return water pipelines) simultaneously with its Fiscal Impact Analysis and Impact Mitigation Program..

Dennis Stranger said the 4 or 5 topics identified were not augmented dramatically by the public. Housing, traffic, policemen and issues associated with Rio Blanco are a whole set of concerns. If Rio Blanco implements some levels of mitigation and if Garfield imposes mitigation then theses need to be done in concert. Some minimal level of mitigation should be in coordination with Rio Blanco.

Dennis asked the Board to adopt his suggested 3rd Alternative which would be to impose the minimal. A motion was made to close the public hearing by Commissioner Stowe and seconded by Commissioner McCown, carried.

Motion

Commissioner Stowe made a motion to exempt American Soda from fiscal impact analysis and that they do craft and identify the mitigation for the concerns brought up here and make that part of the Special Use Permit.

Commissioner McCown seconded;

Commissioner McCown said he agrees wholeheartedly with Walt's motion. This project has proven its validity in community issues but said he feels we still some more answers. He stated the 3rd alternative would allow the County to address these issues.

The Parachute/Battlement Mesa is going to be the building block that makes this project work. Having heard from the motel business in Parachute and from Tom Beard of Battlement Mesa, Commissioner McCown added that he has a comfort level that housing issues will not create a problem; and is willing to accept the 3rd alternative and waive the impact analysis and move forward with specific mitigation issues as listed today. There are four or five listed here are clearly the predominant ones as Charlie mentioned the ongoing concerns in the permitting process clearly with CR 215 being one of them. He added that American Soda is prepared too be good neighbors and he supports the waiver.

Chairman Martin - all issues have been covered to see if there was a major issue and he felt they have dealt with health, water, schools, road, schools, parks, overall supplies, solid waste removal, and social services - it is a good project.

Motion carried.

American Soda - Charlie thanked the County for American Soda including Rio Blanco, Parachute and Rifle for their support.

Adjourn:

Attest:

Chairman of the Board

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**OCTOBER 15, 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The CONTINUED meeting of the Board of County Commissioners began at 8:30 A.M. on Friday, October 15, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf. CALL TO ORDER

Chairman Martin called the meeting to order at 8:30 A.M.

**BUDGET HEARINGS**

Ed Green, Allen Sartin and Dale Hancock presented the year 2000 Garfield County Budget Presentation. Ed explained these items:

- 1999 -- A year filled with financial challenges
  - Y2K - Replacement of 3 Data Systems
  - Deferred Maintenance and Projects - these put pressures on the budget.
  - Critical Personnel Needs - administrative and other offices.

Results in Draw Down of General Fund Balance from 4 M to 2.5 M

Road and Bridge Fund Also Drawn Down from 5.6 M to 2.3 M

- Deferred Maintenance
- Many Deferred Projects

County Road 109 was one project.

End of Year General Fund Balance Graph Showing the above figures.

End of Year Road and Bridge Fund Balance Showing the above figures

**YEAR 2000 BUDGET GOALS**

Maintain or improve current fund balance - the watch dog concept

- In General Fund
- In Road and Bridge Fund

{ Solve the recurring deficit problem in the general fund - 60/40

{ If possible, activate the three tiered salary survey strategy

- New pay ranges - Phyllis has been working on this. Goal to raise salaries - 3 tiers.
- Solve comp ratio problems - jobs that are well below the standard rate of pay for comparable - at least to 90% of the range
- Bring people up in range from a 0% to at least 12 - 15% of range.

**THE PROCESS**

New Financial Policies and Procedures - Allen presented and these were implemented.

New Data System - KVS - this controls the budget process

New Budget Approach - Board adopted this approach with control down to each line item.

- Detail, Detail, Detail
- Line Item Control
- Position Control
- Payroll Projections
- Program Budgeting in Two Areas
- Line by Line Review

**THE SCHEDULE**

Policies and Procedures Adopted Early this Year - January 1999

Data System Conversion Initiated in April 1, 1999 - a lot of bugs that had to be worked out. -

Completed a Couple of Weeks Ago - October 1999

{ Budget Kickoff in April

{ Budget Documents to Department Heads in May

{ Delays in System Conversion Push Budget Submittals to August and September

{ Budget Reviews in October

**THE INITIAL SUBMITTALS - GENERAL FUND**

Graph of the general fund showing the expenses exceeding the revenues with a deficit of \$2M

The deficit and reduction in the fund balance was unacceptable.

Our Conclusion after review of the first submittals

- Must trim the difference between revenues and expenses by 2 million in the general fund.

- Must trim the difference in Road and Bridge by 1.3 million

#### RESUSCITATING THE BUDGET

Individual meetings with elected officials and department heads

- Realistic assessment of revenues

- Reduction of budgeted line item amounts for 1999

- Elimination of the obvious

Group meetings to discuss the magnitude of the problem

#### 2000 GENERAL FUND ISSUES

Salary Survey

Health Insurance Increases

Networking

Office Equipment

Training

Jail Project Support

Staff Increases

- Sheriff's Detective and Deputy

- Detention Staff

- Other

#### 2000 OTHER FUND ISSUES

#### AIRPORT

- Equipment and projects

- Splitting the work between County and FBO

#### V SOCIAL SERVICES

- Move some property tax support to the General Fund

#### V HUMAN SERVICE GRANTS

#### V RETIREMENT FUND

#### V REVENUES

- Accuracy of projections

- Movement to the General Fund

- V \$312,000 Adjustment in Revenue Projections

- V \$955,000 increase in revenues from other funds

- V \$220,000 cost reduction from correction of salary review dates

- V \$218,000 reduction in salaries and other expenses

#### THE INITIAL SUBMITTALS - ROAD AND BRIDGE

Graph of the Road and Bridge Fund

The ending balance was closer to the acceptable. - Conclusion

#### THE INITIAL SUBMITTALS

Our Conclusion After Review of First Submittals

- Must trim the difference between revenues and expenses by 2 million in the general fund

- Must trim the difference in Road and Bridge by 1.3 million

#### TREND OF HEALTH INSURANCE INCREASES

Graph shown

#### 2000 ROAD AND BRIDGE FUND ISSUES

Projects

- 2nd Part of CR 109 is a must

- Various gravel/chip and seal

Extent of Contract Road Maintenance Activities

Equipment Replacement

Training

Facility Improvements  
Safety Equipment  
2000 OTHER FUND ISSUES  
Airport

- Equipment and Projects - these had been identified - mowing and snowplowing
- Splitting the Work Between County and FBO - between Kenny and the FBO

Social Services

- Move some property tax support to the general fund
- { Human Service Grants
- { Retirement Fund - originally put in a 4% increase - at 3% now - Q: go to 312
- { Revenues
  - Accuracy of Projections
  - Movement to General Fund

FINAL GENERAL FUND RESULT graph presented showing a 2M beginning balance and a 2.5M ending balance with a required balance being 1.75M

Summary and Conclusion

2000 Budget provides for:

- Fund Balance Growth in Road and Bridge and the General Fund
  - Implement Salary Survey Plan
- Self Sustaining Airport Budget
  - Several Key Project Accomplished
- Maintenance of a solid capital projects fund balance -- 2.7M

Conclusion - almost ready for adoption

- Social services revenues and expenses require further study
- Road and Bridge Budget requires BOCC evaluation
- Overall, the 2000 budget satisfies our basic budget goals

#### **2000 Budget Provides for**

#### **OTHER FINANCIAL INFORMATION**

Nonprofit GARCO Building Corporation closed on certificates of participation for construction of jail on  
October 14, 1999

Face amount \$12,780,000

Net proceeds \$10,285,000

Annual Net Debt Service \$925,000

Back to the Board

Chairman Martin thanked Allen Sartin, Ed Green and Dale Hancock. This was a very professional process and a learning process as well.

Tom Russell - Road and Bridge

Tom explained the philosophy of doing more maintenance. He felt they could live with the budget constraints. This was a decision made jointly by all the foremans and Tom. They used all the workhorse to accomplish their tasks and just not working in districts. They are utilizing those that have strengths in specific fields. Communication is better and work participation is better.

Commissioner Stowe said he was pleased to be able to include the salary increase based on the survey and this was the biggest plus for him. This will go a long way toward improving the morale of the employees. He recognized that Road and Bridge needs two employees and commented that the biggest problem is competing with the private employer.

Social Services

Ed stated that the Social Services budget is to be worked out by next week. This is the only glitch to resolve.

Chairman Martin said he is comfortable with the budget, but will give the staff another week or so to get everything worked out.

Commissioner McCown stated on a philosophical basis he was please to see that the fund balance is being brought back to a comfortable level.

Chairman Martin stated this is a more honest and open style of budgeting and we are on the right track.

The Commissioners were pleased with the results of the presentation today.

#### **Weed Management**



Ed spoke to Doug Pifer the State Weed Coordinator regarding a cost sharing on Dry Hollow for Knapweed. Ed put \$2500 back into the budget and said he would like this to be a line item. Steve Anthony got the truck in late June and there is more work to be done. Commissioner McCown - Dry Hollow is the central focus on Knapweed but Roan Creek has a problem as well.

The motion to accept the Budget will be postponed until Social Services is refined. Ed commented that the "Budget by Department" will be distributed later today.

***Battlement Mesa Assisted Living***

Dale Hancock requested an electronic transfer of \$38,398.00 for the Battlement Mesa Assisted Living be approved.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the transfer; carried.

***Jail - Letter Agreement with Chase Manhattan for Repurchase of funds for the Detention Center***

Don DeFord said that on October 14, Allen and he received the repurchase agreement for the funds for financing on the jail. They closed appropriately and immediately went to their repurchase with Chase Manhattan. There is a request from their representative in New York that Chairman Martin execute a letter agreement concerning the repurchase agreement to direct the trustees to participate in this repurchase. Don said he spoke with Blake Jordan and others about the letter agreement; they have not reached a position where they can give the Board advice at this time as to whether it should be signed or not. Don suggested that the Board not to sign this agreement until the County receives a written opinion from Blake Jordan that the County has the legal ability to enter into the agreement.

Don requested a motion authorizing the Chair to sign the letter agreement with Chase Manhattan for repurchase of bonds for the Detention Center subject to receipt of an adequate written opinion from Blake Jordan that we are authorized to enter into that agreement.

Commissioner Stowe so moved; Commissioner McCown seconded; carried.

***Executive Session - Litigation RFRHA***

A motion was made to go into an Executive Session to discuss the current status of RFRHA litigation by Commissioner McCown and seconded by Commissioner Stowe; carried.

A motion was made to come out of Executive Session by Commissioner McCown and seconded by Commissioner Stowe; carried.

***Adjourn***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

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**OCTOBER 18 , 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 18, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

Mark Bean was acknowledged on his birthday -- he turned 50 last week.

**ADMINISTRATOR'S UPDATE**

Ed Green provided the following report:

A request for an Executive Session to discuss two personnel issues.

***Fairground Contracts - Chamber of Commerce; Silt Auction; and A R & J Auction***

A motion to sign the following contracts as above was made by Commissioner McCown and seconded by Commissioner Stowe; carried.

**COUNTY ATTORNEY'S UPDATE**

Don DeFord gave his report:

***1041 Regulations - Development Regulations***

Don stated that prior to leaving the County, former Planner John Barbee had started the process. Mark and Don have discussed the issue and proposed two ideas for the Board to consider.

Mark said they identified four areas to focus on primarily in these regulations. These were identified in July 28, 1997 as: geological hazards, natural extraction, oil and gas extraction and mass transportation including the Airport. He suggested that one option might be to form a subcommittee of the Planning Commission and start working on some draft regulations; or the possibility of finding a consultant to assist in putting together the regulations. Mark suggested Rickie Santarialli in Gunnison County. Mark anticipated the salary range between \$10,000 to \$20,000 to hire an outside consultant. He estimated it could take as long as six months to pull this together and proposed they could start in January after the 2000 budget begins.

Don suggested Mark to identify several planners and submit a proposed budget and time-frame.

Discussion

This plan was agreeable with the Commissioners; Mark will submit some alternatives to the Board for consideration.

***Site Application Process - New Sewage Treatment Process***

Mark mentioned he was invited to become involved as the representative from the Western Slope Area in the changes to the state site application process and regulations. One change made in the regulations and one of the more significant changes made was in the referral process. The Board, under the old regulations, was obligated to make three recommendations - one is the Board of Health, one is the Board of County Commissioners, and one through the Planning Commission. They have reduced one of those and no longer call it the Planning Commission or Board of County Commissioners, now it is called the County approval. The question is where this Board would like to see this referral or non-referral go to? The two issues dealt with on a local level are typically the 208 Water Plan and the Comprehensive Plan. Mark mentioned that there were two Applications in his department that have been submitted. One is from the Spring Valley Sanitation District which is straight forward and the Board recently made a decision on the service plan and this site application is consistent with the service plan approval they made as far as the location of the new sewage treatment plan in the Spring Valley area. The other application is from the Town of Parachute who would like to build their own sewage treatment plant to accommodate the Parachute needs as opposed to contracting with Battlement Mesa for that purpose.

Mark asked for input as to where to take these applications. The options are: Bob Szrot through the Water Shed Committee to make a suggestion but for the BOCC to make a final decision; or hold a public meeting and possibly consider holding this at the Rifle meeting on November 1; or refer this to the Planning Commission for a recommendation.

Mark said Battlement Mesa has reviewed this since they are the most directly affected.

Direction

Mark was directed by the Board to hold this on November 1, 1999 on their agenda.

### ***Jail Financing***

Don stated that the County should be receiving the documents in order to complete closure today.

### **EXECUTIVE SESSION-RFRHA Litigation - Two Personnel Issues**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the items as mentioned; carried.

### **SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

American Soda

Employment Monitoring Report Presentation

Tim Thulson, Charlie Yates, Ed Cooley, and Dennis Stranger was present. Dennis' report dated October 13, 1999 was passed out showing a table depicting employment at America Soda Parachute Upgrade site for the period August 29 - October 9, 1999. The daily peak was 243 on September 14. The physical monitoring was conducted by Kvaerner, the principal construction contractor. The Board had authorized the peak to be at 283.

Discussion of pre-application report for Fiscal Impact Program - Workforce Numbers

This needs to be issued November 1 and American Soda needs to address the Board separately on the workforce number; the review was held in Parachute last week.

Regarding monitoring a suggestion was made to turn it into a monthly reporting. The records are kept at the site and can be audited at any time.

Construction Schedule Update

Charlie Yates said they were on schedule. A rise in people power at the site to around 250 people associated with construction of some of the larger vessels and stainless steel tanks. The previous peak in workforce numbers was associated with the railroad; that is complete except for some punch list items. Renovation with one of the larger warehouses has begun. The piping is going very well also with about 45 to 50 miles of pipe sitting on the ground of the 90 total on order. At month end they have poured over 8500 yards of concrete and erected over 1000 tons of steel and both are on schedule -- almost complete with concrete with the exception of some elevated slabs. Piping and electrical is next and will start soon. No difficulties at the Parachute site and expect the Piceance Site issues should be settled this month. Dennis stated they Thursday night they met in Parachute and the issues with police coverage and help with administrative help was addressed; the council agreed this was needed and authorized the Town Administrator, Police Chief and Council to work together on these issues.

### ***Monitoring/Monthly Reporting***

A motion was made to have monthly reporting by American Soda by Commissioner Stowe and seconded by Commissioner McCown; carried.

Commissioner Stowe suggested they be informed if there was an increase in staff..

### ***Authorization of Increase in Budget to 125 hours of Work for Dennis Stranger***

Dennis asked Board to authorize the additional 6.5 hours of work on this project that he has already put in and to increase it from 100 to 125 hours.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe not to exceed a total of 125 hours; carried.

Tim Thulson for American Soda agreed this was okay.

### ***Airport Update***

Kenny Maenpa was present for the update.

### ***Fuel Sales***

Since 1995 the fuel sales are on a 9% increase over last year. The report also reflects the increase in Jet, Avgas and total fuel sales.

### ***Colorado Aeronautical Board Grant Hearing Results***

#### ***44 grant requests to FAA***

Grant Award \$108,744

\$60,744 = 50% local match for FAA AIP (Y2K Partial Parallel Taxiway Extension)

1.2 mil project will cost \$60,744.

\$48,000 = 80% of Pavement Maintenance Project for Runway and Taxiway

Past Colorado Discretionary Grants To GARCO Airport

1997 = \$15,000 for Fire Truck Foam Tank Conversion

1998 = \$20,000 for Joint Use Fire Station

1999 = \$0

#### ***Year 2000 Improvements***

Partial Parallel Taxiway Extension - FAA AIP

Fog Seal the Runway

Slurry Seal the Taxiway

Fuel Farm Improvements

Master Plan Update

Kenny submitted a drawing of the plans showing all the 2000 Improvements.

A letter from Evanston-Tinta County Airport Joint Powers Board of Evanston Wyoming stating they would like to purchase the airport's VOR for \$5000.00 for the assembly.

Sale of Surplus VOR

Model 585B VOR - Acquired in 1991 by the Authority from federal/state surplus equipment

Total cost of equipment was \$0

Equipment is no longer manufactured

Equipment and parts are not compatible with our current VOR installed by the FAA in 1996

Evanston, WY - has the same type of equipment would like to offer \$5000 for our equipment.

This was decommissioned and setting on the airport. The offer is great - the County acquired it without charge.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to accept offer of \$5,000 from Evanston-Tirta for the model 585 B VOR; carried.

#### ***Schedule Public Hearing - Rifle November 1, 1999***

Proposed Airport Rules and Regulations

Proposed Airport Minimum Standards for Commercial Aeronautical Activities

Recommend a Public Hearing

Public Relations Barbecue on Friday for an informal meeting.

**BUILDING & PLANNING ISSUES: PUBLIC HEARINGS/PUBLIC MEETINGS:**

**REQUEST FOR EXEMPTION FROM THE DEFINITION OF SUBDIVISION BY VAN HOOSE TIMBER GULCH.**

**LOCATED: SOUTH OF NEW CASTLE ALONG COUNTY ROAD 313, EAST DIVIDE CREEK ROAD.**

**APPLICANT: DONALD L. AND MATTHEW L. VAN HOOSE**

Kit Lyon, Mark Bean, Don DeFord, Tom Stuver and Matt Van Hoose were present.

Don determined that adequate notification and posting was in order and advised the Board they were entitled to proceed.

Kit stated this is an exemption from the definition of subdivision on a 160 +/- acres of land located off of CR 313. She reviewed the project information, staff comments and recommendation.

Recommendation:

Based on the findings, Staff recommends Approval of this application with the following (9) conditions:

In order to ensure that the proposed exemption is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County: 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;

Pursuant to Section 8:33 of the Garfield County Subdivision Regulations: Final Exemption Plat shall be submitted, indicating the legal description of all three properties, dimension and area of the proposed lots, 25 ft. wide accesses to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

3. Pursuant to Section 8:33 of the Garfield County Subdivision Regulations: That the applicant shall have 120 days (until 2/15/00) to present a plat to the Commissioners for signature from the date of approval of the exemption;

4. Pursuant to Section 8:41 of the Garfield County Subdivision Regulations: That the applicant shall submit \$400.00 in School Site Acquisition Fees for the creation of the exemption parcels prior to approval of the exemption plat;

5. Pursuant to Section 8:52 B and 8:60 D of the Garfield County Subdivision Regulations: That the 1978 Garfield County Zoning Resolution and comply with the Colorado Department of Health standards.

6. Pursuant to Section 8:52 C of the Garfield County Subdivision Regulations: The applicant shall obtain any necessary driveway permits prior to issuance of any building permits and the non-exclusive easement must be amended and recorded at the time of final plat.

7. Pursuant to Section 8:52 G of the Garfield County Subdivision Regulations: That the applicant submits a letter of approval from the Burning Mountain Fire District and pays any associated impact fees prior to approval of the exemption plat;

8. Pursuant to Section 8:42 D: Prior to the approval of an exemption plat, the applicant shall provide proof of legal and adequate source of domestic water for each lot created and will demonstrate that the water supply will meet 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 draw down 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 will be filed with the exemption plat;

7) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates and suspended solids.

9. Pursuant to Section 8:60 1, 2, & 3 and Section 8:52 A of the Subdivision Regulations and Section 1.08 of the Zoning Resolution:

That the following plat notes shall appear on the Final Exemption Plat:

"One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries."

"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 will be the minimum amount necessary and all exterior lighting will 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."

"The driveway easement maintenance responsibilities must be shared equally amongst the three exemption lots."

"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn

about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

Tom Stuver commented on the 120 acres and did not feel this should be included in the split and to the plat notes, restricting it to one dog and no hearth burning fireplaces. He stated that he disagreed as to whether this was appropriate. Also he did not feel that restrictions should be placed on the 120 acres the same as the parcels split that were less than 35 acres. The property owner's intent was not to submit the remainder of his property to that kind of restrictions. As to covenants, they did not need to be created.

Don commented that is important for the Board to be clear on the findings as to what parcels by number otherwise the restrictions would apply to all.

Kit commented that the one dog should be applied according the Section 8:60I - the 120 acre lot is being created by exemption so there it very clearly states that these restrictions do apply. She cautioned the Board about getting into gray areas as to these restrictions not applying to the larger parcels.

Mr. Stuver said he didn't want to have the applicants come back and attempt to split the 120 acres. He added that the Board has to power to regulate the division of property to restrictions on those over 35 acres under these conditions. He didn't think it was fair or legal. He went on to give some scenarios regarding a sheep rancher under the same desire to split his property.

Commissioner Stowe inquired of Don if these would not be grandfathered in.

Don commented that Mr. Stuver is incorrect in his analysis of whether or not you can impose restrictions. The Board can impose restrictions because they are coming to you for an exemption from subdivision.

This is a legal question and Mr. Stuver is incorrect in his reading of state law.

This doesn't mean that you should do it or that it is fair and that's why Don suggested the Board be very clear in their findings if they choose not to apply the similar regulations to this property -- then make sure the findings specifically say which parcels they do apply.

Victoria Giannola stated the idea of the dog limitation is to protect the ranches. In a case like Mr. Stuver described where you have 5 working dogs, they would encourage that because it is part of a ranch and part of the herding operation and that restriction would not be imposed.

John Savage - Attorney suggested to modify the restrictions

Kit - very clear in the regulations and when they follow them it does ensure compliance.

Commissioner McCown made a motion and it was seconded by Commissioner Stowe to approve the exemption from the definition of subdivision for Donald and Matthew Van Hoose with the recommendations of staff, correction made to No. 2 stating the 30' wide access and that the conditions of approval be applied to lots 2 and 3.

Kit asked for clarification that perhaps the conditions of approval should apply to all lots with the exception to lot 9. Commissioner McCown amended his motion to that effect.

Stowe amended his second.

Vote - motion carried.

#### **REQUEST FOR APPROVAL: EXTENSION OF TIME - ROSE RANCH FINAL PLAT FILING**

Tim Thulson with Balcomb and Green representing the applicant, Roaring Fork Investments LOC. for the Rose Ranch PUD, submitted a letter to staff on October 1, 1999 requesting an extension of time for the Rose Ranch Final Plat filing. He stated the final plat was approved September 13, 1999 and all the final plat and all the relevant documents are being held by the Clerk & Recorder's office for filing pending the posting of a letter of credit securing their subdivision improvements. Roaring Fork Investments is still in the process of negotiating with their lenders on the terms and conditions of the loan they want to secure. The letter of credit will be obtained consistent with the construction loan and what this is trying to avoid is right now we'll have to have that letter of credit posted by December 10th. It doesn't do them a whole lot of good to have the construction financing in place by December due to the winter months, and they are asking for a 3-month extension that will allow them more time to negotiate with the lenders and also avoid the carrying costs of having a construction loan in place in the winter months. With a 3-month extension that would continue until March, 2000 when they can begin construction whenever the loan came in.

Commissioner McCown inquired if they get this all put together do they anticipate starting earlier?

Tim said they want to start as soon as they can in the Spring so if there's a real light winter, as soon as they can get out there is when they will start.

Commissioner McCown suggested March 6, 2000.

Tim stated this would be more than workable.

Chairman Martin inquired if this would put a hardship on the staff.

Staff answered no.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to grant the extension until March 6, 2000 for the final plat filing; carried.

## **DISCUSSION OF PROPOSED AGRICULTURAL CLUSTER DEVELOPMENT ORDINANCE/REGULATIONS**

Victoria Giannola, Michael Hassock and Jeannie White were present. Michael and Jeannie are from the Carbondale as well as a number of members of the Agricultural Cluster Development.

The copy regarding the cluster development ordinance was handed out to the Commissioners some time ago.

The purpose of this ordinance is to find something workable that gives options to the ag operators other than the standard subdivision. They want to see some monetary value through the development process from their land yet still be able to ranch or farm -- they can do so through options other than the standard subdivision. A standard subdivision does not provide much in the way of combining those two-- development and the ag operation. The premise is that it basically sticks to the state law that allows for any large land owner to subdivide 35 acres off of their land holdings but it has a bonus incentive. For every additional 100 acres you have you can get one additional lot to be subdivided. The premise behind it is that when you decide to cut off those lots, that you cluster them on the least agriculturally productively portion of the property. The remainder then can be preserved for agricultural use.

Victoria wanted to find where the Board stands and should staff continue working on it.

Michael Hassock summarized by saying the motivation for this at the state level is an alternative to 35 acre exemption. They've been trying to walk a tight rope in this process between recognizing that for the land owner 35 acre exception is pretty painless process -- it's just not particularly a good planning tool. It doesn't respect fence lines, ditches, pasture -- it's how to get the roads in and how to create house lots and then what do you have left. It was the committee's feeling that there was a public good in trying to preserve these open lands and that the balance came in terms of granting a streamlined process in exchange for the 40 year development moratorium on the remainder parcel. With that in mind, his only concerns in transferring development rights is in not trying to weigh this ordinance with too much a solution to everybody's problems.

Direction for the Committee

Jennie said 80% would have to be in that protective conservation and 20% developed.

Commissioner McCown stated that in 1950 there was over 3 million sheep in Colorado, now there is roughly 500,000. He said he was in favor of the staff proceeding.

Commissioner Stowe and Chairman also agreed.

Direction to Staff

Staff is to proceed forward and have the hearings.

## **SANDERS RANCH PLANNED UNIT DEVELOPMENT REFERRAL TO THE PLANNING COMMISSION**

Mark Bean submitted the letter to the Sopris Development Group, attention George Hanlon, advising him that the Garfield County Planning Department has completed a review of the Sanders Ranch PUD and the supplemental information submitted in response to his August 23rd letter. Based on the current application, staff has determined that the application is complete.

Mark further explained that he had included in his letter that a determination of completeness does not infer that the application adequately addresses all of the issues that the Planning Commission and Board of County Commissioners will need to address to make a decision, including a finding of general conformity with the Garfield County Comprehensive Plan.

In conformance with the CRS 24-67-105.5 (4), the application was submitted to the Board for referral to the Planning Commission.

### ***Referral to the Planning Commission***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to refer this to the Planning Commission; carried.

## **PUBLIC HEARING: APPLICATION FOR LIQUOR LICENSE -- NARAYAN'S NEPAL RESTAURANT**

Mildred swore in the speakers.

The following were present:

Transfer of ownership. Legal notice in Glenwood Independent published Friday October 8, - restaurant where Jack's restaurant was. Criminal reports and under a corporation in Boulder.

A temporary liquor license was issued.

Mildred Alsdorf gave the history of the request for the liquor license and stated that she had checked the criminal histories of the owners of the Restaurant and found nothing. The sign displayed regarding notification was presented.

Serving school - have been to the school, but not the manager.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the liquor license for Narayan's Nepal Restaurant; carried.

### **CONSENT AGENDA**

- A. APPROVE BILLS
- B. SIGN TASSADA AMENDED EXEMPTION Plat  
Excluded
- C. SIGN RELEASE TO CONTRACT #2 FOR WRIGHT WATER ENGINEERS SERVICES FOR LAND  
USE REVIEW
- D. SIGN CONTRACTS CONCERNING PROFESSIONAL SERVICES TO REVIEW LAND USE  
APPLICATION
- E. APPROVE AMENDED PLAT: BERTOLHF EXEMPTION
- F. APPROVE EXTENSION OF THE APPROVAL: MJN INVESTMENTS SUBDIVISION
- G. APPROVE PROPOSED AMENDED PLAT: SIERRA PINYON SUBDIVISIONS LOTS 1 & 2
- H. SIGN RESOLUTION OF APPROVAL: RANCH CREEK PLANNED UNIT DEVELOPMENT  
PRELIMINARY PLAN
- I. SIGN RESOLUTION OF APPROVAL: ST. FINNBARR SUBDIVISION PRELIMINARY PLAN
- J. SIGN AMENDED AGREEMENT: HIGH COUNTRY ENGINEERING, INC. FOR AMERICAN  
SODA BUILDING INSPECTION SERVICES

A motion was made by Commissioner and seconded by Commissioner to approve the consent agenda, items A and C - J; carried.

### ***Wright Water Engineer - Release to Contract No. 2***

Mark Bean presented a release to Contract No. 2 for Wright Water Engineers for the review of the Aspen Equestrian Estates of the Preshanna Farms PUD Preliminary Plan application concerning engineering elements.

A motion was made by Commissioner and seconded by Commissioner to authorize the Chair to sign the Contract as presented; carried.

### ***Colorado River Engineering - Release to Contract No. 1***

presented an agreement - Contract No. 1 of recurring or as-needed engineering services for Colorado River Engineering for the review of the Spring Valley Ranch PUD/Sketch plan application concerning water/hydrology engineering issues.

A motion was made by Commissioner and seconded by Commissioner to authorize the Chair to sign the release to Contract No. 1 as presented; carried.

### ***Motion - Amended Plat Application Form***

The Board approved an amended plat application for Peter J. Moscon to proceed. This will come before the Board after the Plat is completed and ready for signature.

### ***MJN Land Investments - Nieslanik - Extension***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve an extension request to MJN Land Investments; carried.

### ***Pace - Amended Plat Application Form***

The Board approved an amended plat application for Dell Pace to proceed. This will come before the Board after the Plat is completed and ready for signature.

Dave Sturges appeared before the Commissioners for the purpose of commenting on Down Valley Task Force on the RFRHA Marlyn to share some experiences and things they have learned.

Marlene gave the process they went through.



Marlene said the vote was a culmination of two years worth of work with a focus on three alternatives: do thing; improved bus and light rail. She was skeptical not knowing much about RFRHA but now after the report was given by all of the committees that she trusted what they were saying to them and to anyone who can predict rider ship, but to the extend that they were drilled by questions, they found out the requested information. Needless to say, the task force was concerned about each of the systems the same as the BOCC. Any on the task force would tell you that they were pretty well convinced of a number of ways to reach the funding. The letter from the citizen's task force in requesting time to share before the Commissioners knowing they needed more detail on the proposed.

Dave said it was his observation after 18 months that there were a few biased against the train. However, on this task force there was an in-depth study and rail is the local preferred alternative. The committee looked at what was best for the County --gained four seats on the voting task force.

Dave summarized a lot of people worked hard on this committee and the outcome of this effort. They hope to pay a role in this decision. They don't think this will be done unless there's a public will of the people. Dave is aware of this Board's position on the rail and he is concerned about the litigation they are involved in. To John Martin many times the policy committee has not misunderstood the positions he brought up regarding land use 1-5900.

This is coming into a difficult position and wishes that statesmanship becomes the rally cry on which to proceed. Steve Smith, Debbie Crawford, Emmie Lehrner, listen to those members. Bill Grant was also very involved with the citizen's task force. Stan Stevens a member. 13-1 in support of the rail.

Stan stated it was very difficult to predict rider ship.

Today was an information time to allow the BOARD to understand their commitment.

Chairman Martin stated he has all the reports - two files cabinets -- and if they could just separate the rail corridor from land use - this is one of their concern. Experts have disputing factors. There are a lot of issues out there on land use, etc. This Board is going to keep open. They are not in favor of lawsuits between governments. He's suggested to sit down and discuss the differences.

Dave said he has all of the responses given to Stan Stevens. There are a number of Garfield County residents and look forward to more discussions with this Board on where this project will go.

### **HUMAN SERVICES COMMISSION**

Lisa Pavlisick, Julie Olsen and Nancy Reinish, representing women's services on the Human Service Commission.

#### **Women's Issues**

600 clients per year - adults, children, domestic violence as well as - tend to have more sexual assault from June through September.

Last year 44 families were at the 39 children - 1100 nights; 23 families 26 - 690 nights. Had to shut down the shelter due to an expansion; however, one board member donated a rental unit.

The percent from Garfield was 50% - 20% from Eagle and rest from all over the state. Some traveling from one safe house to another.

The areas of need - safe house - women and families - 95% they do not return to the perpetrator - they do after a time. Wal Mart and Kmart - now have a transitional housing program. They can find an apartment anywhere - they have 5 slots is all.

Nancy added that women looking for housing, and needing the first and last month's deposit is a concern. The other concern is child care.

Julie met with Temple Buell with respect to their needs - they help fund a facility in Eagle County and she stressed that Garfield County needs to be involved. Julie agreed that employers need to come to the table as well.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into the Board of Health; carried.

### **BOARD OF HEALTH**

Mary Meisner gave the report that included the program updates.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Board of Health; carried.

#### **Executive Session - Jail Financing**

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of the Executive Session and adjourn; carried.

Adjourn

Attest:

Chairman of the Board

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**OCTOBER 26 , 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The SPECIAL meeting of the Board of County Commissioners began at 2:00 P.M. on Tuesday, October 26, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green, County Attorney Don DeFord and Clerk & Recorder Mildred Alsdorf.

The special meeting was held in the County Attorney's Conference Room at the Courthouse.

The agenda items included: Executive Session to discuss RFRHA Litigation

A motion was made to go into an Executive Session by Commissioner Stowe and seconded by Commissioner McCown; carried.

A motion was made to come out of Executive Session by Commissioner McCown and seconded by Commissioner Stowe; carried.

***Adjourn***

Attest:

Chairman of the Board

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**NOVEMBER 1, 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 1, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

The meeting was held in Rifle at the Rifle Town Hall 202 Railroad.

**CALL TO ORDER**

Chairman Martin called the meeting to order at 8:30 A.M. and thanked the City of Rifle for allowing the Board to meet in their facility.

**ADMINISTRATOR'S UPDATE**

Ed Green presented his report consisting of the following:

*Glide Slope Approval*

Ed reported that after extensive testing by the FAA it has been approved. Now this must be coordinated with the FCC. This is another step toward developing a full service Airport.

*Soil Conservation Grant*

In the budget the dues were omitted and Dennis Davidson has requested the Board restore the grant given in the past.

Commissioner McCown made a motion and seconded by Commissioner Stowe to \$2480 authorize a grant to the Soil Conservation District.

*Credit Card Limits*

A listing was submitted of all those holding credit cards with their amounts.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve and authorize the Chair to sign the credit limits to cardholders as submitted; carried.

Award to Commissioner McCown - 4H

Commissioner McCown was awarded the "briefcase" by the 4H.

*Energy Impact Grant Results*

Ed presented the request for the \$500,000. The vote was unanimously in favor of voting for the grant to be awarded to Garfield County.

Commissioner McCown mentioned they had requested a 5 year capital funds plan.

Ed said he has asked Tom Russell to submit a

*Benefits approach for year 2000*

Reconsideration of increase in retirement benefit

Phyllis Lundy presented her summary of the request regarding the County Health Pool - Employee Insurance Proposal 2000; Life Insurance and AD&D Vision, Dental and Medical & Prescription Drug.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the recommendation for the County Health Pool Employee Insurance Proposal for the Year 2000.

Motion Carried.

*Retirement Fund - Salary Increases*

Phyllis found a way to give everyone at least a 2% salary increase at the first of January 2000. She added that if the Board selected to increase the retirement fund by 1/2%, the employees would have a match of 3.5% and the County match would raise to 3.5%.

If the increase by the County increased their contribution by 1/2%, Ed thought this would have a significant impact on the employees. He offered this for the Board's consideration. This would raise the contribution to 3.5% and an employee match of 3.5%.

Chairman Martin favored the increase.

Don DeFord commented that if the Board wanted to approve this, then a motion would be needed to approve the retirement contribution by 1/2% for a total of 3.5% for County and 3.5% for employees, effective January 1, 2000.

Phyllis stated that for the year 2000 the County would not have a pay for performance only a performance evaluation. Phyllis wants to use a pay for performance but call it a merit increase review. The plan is that they will have developed a review system for the year 2000. Employees will get their review on their anniversary date but no money will be tied to it.

Phyllis asked for consideration of implementing a second year of no pay for performance and use the money to move \$27,000 to increase the retirement fund by 1/2% .

Commissioner Stowe moved and seconded by Commissioner McCown to approve the retirement contribution by 1/2% for a total of \$27,000; a 3.5% for County and 3.5% for employees, effective January 1, 2000; carried.

#### Red Canyon Cost Estimate

Kit Lyon, Mark Bean, and Bob Szrot were present.

Bob said several weeks ago we were talking about upgrading CR 115 which is Red Canyon and we were working off of a cost estimate from 1982 and he was asked to update that estimate and what he did was to go on site and about every 1/10 of a mile, he measured road width and checked the terrain, and estimated what kind of excavation -- whether it was rock or dirt that needed to be done. The first page in the packet quotes the old figures and if you go to "total dirt excavation of 4,585 yards; total rock excavation of 114,959 yards. It was a little bit higher than the 1982 report. They came up with a total cubic yards of 113,000. Bob said he was 119,000 so he felt comfortable that he parallel that. The old report listed earthwork at \$2.00 a cubic yard and rock excavation at \$12.50. What he did was plug these numbers in. A gravel road up to County standards, we'll be looking at \$1,744 and that is at the old figures. On page 2, Bob said he plugged in some 1998 cost data from C-DOT and used this for the road work end of it -- the cost of rock excavation was \$32 and the cost of earth excavation was \$4 and plugging that in, the project cost if we were to do a gravel road goes up to \$4,618,000. If we want to put an asphalt surface on that, that would jump the project up to \$4,890,000. So he said he feels comfortable if the County could get out for \$2 million you were lucky and that is would be more like \$5 million; well these figures tell that it is looking closer to \$5 million.

Chairman Martin said this doesn't include the guard rail or anything like that.

Bob Szrot - no sir.

Chairman Martin - all the safety features would be extra.

Bob - said this was a quick way to just get a handle on the earth work because some of those cliffs are 100 foot. It was a 32 foot wide road -- he looked at narrowing the road to 30 foot, but the price is still \$4 million.

Commissioner McCown clarified that CR 115 was 2.6 miles.

Bob said yes.

Chairman Martin and the average slope - are there any angles or slope differential -- steeper in parts than other parts -- 8% grade?

Bob said yes,

Chairman Martin asked what was the grade in the steepest part?

Bob - said as far as gross rate from the beginning to the end, he didn't address that because he figured -- he dealt with the grade we have right there and made it -- if we did anything else, it's an addition to these numbers. He stopped at \$5 million.

Chairman Martin said you still didn't answer my question. What's the grade on the present road the way it is right now.

Bob said we are about 8-9% somewhere in there.

Chairman Martin the county standard is nothing over 8% grade and so that does have a factor in there -- in order to meet our own specifications at 8% - if it was 9 or greater, that's what he was looking at.

Bob - said there were some other issues -- at the bottom end of the road, you're going to get into some significant Right-of-Way issues because the road width was 15 feet and you had residence and commercial entities on both sides of the road. It's not going to be an easy or easier fix if we decide to go ahead with this.

Chairman Martin - and how does the intersection line up -- does it cause any problems at the bottom -- is it past the residential area where you make your 2 S curves and hits Hwy. 82.

Bob - that intersection, I would hope that in the future we would be able to not utilize that intersection.

You're coming around at an S Curve and coming around a high speed curve, your sight distance is poor, there's no room for execution or deceleration -- he knows one scenarios for the southern entrance for the by-pass connects up by Holy Cross down there, it just is a lot of stuff jammed in a very dangerous location.

Chairman Martin- That would have a bearing upon the improvement of that road and the entrance to Hwy. 82 then, it would cost a little more than what you're estimating here as well.

Bob - yes.

Chairman Martin - the fix is not just \$4 million but it goes beyond that because of everything else involved.

Bob - said if you lump in repairs to Hwy. 82 and doing as you know, I'm a supporter of grade separated interchanges so we don't get into vehicular conflicts with people entering Hwy. 82, we're probably looking at a pool of about \$11 million solution. One other caveat he wanted to add to this was -- he was going to figure this with benching but didn't because he wanted to give the Commissioners a presentation today, but if you look at Red Canyon and you go off the edge it's pretty much straight down, so when he made the comment about hanging a road off that, off the edge, that's not going to work -- there's not enough money to do that. Looking at digging into the canyon wall, and there is going to be a lot of unknowns and his recommendation would be to do some benching where you come in - work your way in - bench which would add more costs to this. So, when he started getting into the \$5 million range, he pretty much stopped there -- this could really run up into the \$10 million plus.

Chairman Martin - you're looking at another shale bluffs area, aren't you in that particular, except for a longer distance.

Bob - it is not quite as challenging as shale bluff, but there's a lot of challenges on this Red Canyon -- a lot of challenges because we could do all this work and then if we lost the downhill side for whatever reason, there's all that work basically --

Chairman Martin - you're not willing to take the risk on the design is what you're telling me?

Bob - I'm not.

Chairman Martin - okay, that's all I wanted to hear.

Chairman Martin - okay, back to the Commissioners.

Bob asked if there were any questions.

Chairman Martin said the Commissioners need a moment to mull this over. Is there any discussion on this particular road or direction that we want -- keeping it as it is.

Commissioner Stowe - if there isn't any way to improve it we might just keep it as is and maybe the maintenance, but I don't see it.

Chairman Martin said the motion that we had before us was to go ahead and maintain it the way it is and keep it the same type of road - historical road then we did the access as well as the maintenance program that -- as needed and so I think that's why we're looking at --- continuing on Red Mountain Road -- I don't see an improvement at this time. We do have the cost analysis that we can go ahead and show to whoever needs that.

Now watershed.

Don DeFord asked if there was a motion to that effect?

Chairman Martin stated there had been, do I hear a change from that motion is what I'm asking or do we have a change from that motion, even with this new information that's been presented. Or do we want to reaffirm the motion to keep it as is with the same maintenance program.

Don DeFord - Mark may also want to speak to this -- remember this was brought to the Board because we need to get back to the developer of Spring Valley Ranch and the Planning Commission with a position of the Board, so we need a formal position -- if you elect to make no improvements of course to Red Canyon, then we can require no impact payment by the developer nor any improvements by the developer for Red Canyon, and that is a critical item for the Planning Commission to know.

Chairman Martin again with that road impact, looking at county stepping up and doing all that road impact, and improvement and then asking the developer to come him and pay his proportional share, I'm not sure how we're going to raise that much money to fix Red Canyon Road, Don -- we're in a

Don DeFord said that he wasn't asking you to do something, we need to tell the Planning Commission.....

Chairman Martin - I'm trying to discuss it with you here.

Commissioner Stowe - is there some limited maintenance of upgrading that we should do on that road Bob? or I mean where it cuts down to 12 feet wide or something.

Bob Szrot - I'll guess I'll go on record with my professional opinion saying we probably should just close it. I know that's not popular -- it's a dangerous road, you've got shear cliffs, you've got erosion, that road could go at any minute, however, I realize that there's a lot of citizenry that like to use it; I do have concerns about if we put our maintenance forces on there and something happens to them, just about anything that you do to that is going to be an operation that is at risk. So, he would recommend that we do minimal maintenance to keep the road as an historical road...

Commissioner McCown - emergency egress?

Bob Szrot - emergency egress only and probably be guided by what the maintenance department feels comfortable dedicating their forces to do.

Commissioner McCown said historically that's been what's happening on the road -- minimal maintenance, continued public use as egress at their own risk...

Bob Szrot - said he saw some areas that were 10 feet wide and part of that edge of the road was starting to erode and I'm going -- okay -- and then I looked over the edge and it was a shear cliff. If we had a little bit of an angle we could maybe do something with that but we don't even have that.

Chairman Martin added that if anyone that wants to do a development up there, I think they need to go ahead and absorb the entire cost in my opinion because he didn't see how the County can go ahead and invest in that particular road at this time.

Ed Green said if they did we'd end up taking away the projected fund balance for 2000 for Road and Bridge, Capital Expenditures, and Public Works.

Chairman Martin - that's right.

Ed Green - we'd end up deficits in all three.

Commissioner McCown made a motion ....

Chairman Martin said he knows that but that would be his opinion if that grows to be used for development and what have you, the county can not step forward, therefore it cannot put a impact fee on but if they wish to do that, they would have to absorb the entire cost --

Commissioner McCown said he would make a motion that the status of the Red Canyon Road remain as is and not be placed on our road improvement plan and be continually maintained as far as the level of maintenance seasonal traffic, emergency egress type road, we would maintain it in the Spring like we do now to get it open, limited maintenance after that.

Commissioner Stowe - seconded the motion.

Don DeFord asked if there is winter maintenance on it right now.

Chairman Martin and Commissioner McCown - yes there is.

Don DeFord and it is not a seasonal road.

Commissioner McCown said he thought it was seasonal.

Chairman Martin - no there has been winter maintenance on there at the very peril to road and bridge to maintain that road and ...

Commissioner McCown said he would leave his motion as stated - seasonal.

Chairman Martin - all right.

Commissioner Stowe - if we want to discontinue that winter maintenance we can.

Commissioner McCown - at the level that the staff of the road and bridge feel it's unsafe - yes.

Chairman Martin and then we'll have to close it for that as a seasonal road. That won't meet with a lot of local opinions, so.

All those in favor.

McCown - aye, Martin - aye, Stowe - aye.

Commissioner Stowe a matter of safety and welfare for all the people.

Bob Szrot

Water Shed Grant Extension

Bob Szrot and Tom Zancanella are among those who have volunteered to do a 208 Water shed plan - it has dropped to 6 members.

The Committee recommended to the Board to proceed to get the watershed grant in place. They also requested an extension of one year.

The Board agreed.

A Tour of the Henry Building Remodel of the Probation office will be held after the meeting.

Emergency Service

A table top exercise representing some scenarios that might happen. One more step would include the MOC and take instructions and acting upon that. The Commissioners would need to be involved. A time set in November is their request.

November 16 - Tuesday 8:00 A.M. for the Table Top Exercise in Rifle

Landlord Consent Agreement with Alpine Bank - sign the rents to them.

Carolyn will review the lease prior to executing the agreement

Legal staff will review.

***Certification from the Courts required for Y2K.***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to sign the document submitted; carried.

***LEAP Contract - Amerigas***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to sign the agreement with Amerigas.

***Diversity Training***

A schedule was submitted.

**COUNTY ATTORNEY'S UPDATE**

Don DeFord gave his report that consisted of the following:

A. Utility Easement - Access Easement: White River Development John Baker

A request to execute a copy of the Access Easement. The Board has already approved to sign a utility easement. This does however require an Access Easement as well as the Utility Easement. It will lie on the same course but it will allow pedestrian access.

A non-exclusive access easement. Don said it raises the usually issues of liability.

John Baker stated the reason for the access is to get the residents on the upper areas be able to access Donegan Road.

This has been historically used as a bicycle trail.

There are 13 single family lots included in the development plan.

John said this would be dedicated to the City for their maintenance.

This would be part of the City's trail system.

Commissioner McCown asked for an agreement with the City prior to the Board approving. A joint city/county meeting was scheduled for November 9. Mr. Baker was requested to be present at the Hotel Colorado at 7:30 A.M.

A motion was made by Commissioner and seconded by Commissioner to authorize the Chair to sign the Utility Easement; carried.

***Proposed IGA - City of Glenwood Springs***

CR 116 and CR 117 - Plat was presented.

Don explained.

The cost of the appraisal will be split with the City.

Don asked that the Board authorize forward progress with author

A dollar amount not to exceed \$10,000 for the appraisal was made in a motion by Commissioner Stowe and seconded by Commissioner McCown for the Cator Property.; carried.

***Subordination Agreement - Jail Financing***

Don mentioned the City had a question on the utility relocation.

That is what this does. (look at document)

Don has discussed this with Teresa Williams, agrees with the language, and she will present it to Stowe, McCown authorize the Chair to sign the Subordination Agreement as described by Don DeFord. Carried.

***Status of Litigation with RFRHA and Potential Settlement - and Setting a Date for Resolution of Contracts***

Date set for November 15 at 11:00 A.M. on both issues.

***Resolution - Vested Property Rights - Referral to PC***

Legislation passed in the last session, the Board was to develop a site specific plan. Now the Board is required to find what constituted a site specific plan. A draft Resolution was presented to the Board for their review.

Mark has requested this be referred to the Planning Commission. A final plat as a site plan, a SUP for a site development, exemption plat and allow a designation of a PUD under certain conditions as a site specific plan.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to refer this to the Planning Commission; carried.

***Consideration of Amended Service Plan for Spring Valley Sanitation District***

Resolution to adopt the amended service plan. The only conditions the Board requested were included.

Authorize signature of the Resolution - motion by Commissioner Stowe and seconded by Commissioner McCown; carried.

***Corporate Aircraft Services***

Jay Rickstrew of Alpine Bank was present.

Corporate Aircraft Services' financing and it is contingency on getting a landlord consent was discussed.

Jay said this would protect the bank.

***Commissioner Report***



Jeff Johnson - tour of the Rifle Fish Hatchery - invited the Board - Rifle Mountain Park  
Friday - 1:00 P.M. in Rifle. Tom Russell should participate as well.

### **SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

Site Application: Spring Valley Sanitation District

Mark Bean stated that the Spring Valley Sanitation District submitted their Site Application requesting for the Board's review the modification/expansion of an existing wastewater treatment facility, construction of the Valley Lift Station, and Construction of the Lower Bench Lift Station.

This needs to be signed off as the Board of Health as well as the Board of County Commissioners.

Dean Gordon, Boker and Lee Leavenworth were present.

Reclassification of Landis Creek was done. The ammonia contest of concern was addressed and remedied.

A motion by Commissioner Stowe was made to approve the Site Application by the Spring Valley Sanitation District; carried.

#### ***Board of Health***

A motion was made to go into the Board of Health by Commissioner Stowe and seconded by Commissioner McCown; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Site Application made by the Spring Valley Sanitation District; carried.

Stowe McCown

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Health; carried.

#### ***ATAK Appointment***

A motion was made by Commissioner Stowe and second Commissioner McCown to appoint Sharon Eleshman as the ATAK representative.

Site Application: Town of Parachute - New Sewage Treatment Works

Tom Beard from Battlement Mesa, Mayor John Loske from Parachute and Mark Austin representative for RG Consultants and several members of the Board and the Town Administrator were present.

John Loske requested a continuance based on the fact that they received the documentation from Battlement Mesa and on Friday; Mark is a new replacement. They have worked on it for over 3 years and spent over \$30,000 but to give response intelligently, they need a time extension.

A two week extension was requested.

Mark Bean stated the site application process needs to have a recommendation to the State prior to submittal.

Dave Beasley said there is a serious issue not involving Battlement Mesa and that is

#### ***Special Meeting - Parachute***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to extend this until November 22, 1999 at 9:00 A.M. in Parachute in a special meeting and include a tour and that negotiations continue with Battlement Mesa; carried.

Mark Bean presented the request of the Town of Parachute for their Site Application for expansion of a sewage treatment works. They are proposing to build a new 330,000 gpd wastewater treatment facility to replace a series of lift stations and sewer lines being to the Battlement Mesa Metropolitan District wastewater treatment facilities. The new facility is being designed to meet current water quality

Garfield County Emergency Communications Authority: Budget Acknowledgment

The proposed budget attached to the Resolution. Commissioner McCown said it was a formally. He represents the Communication Authority. He stated the budget was fair. Property has been purchase in Rifle and the combination of the Rifle and Glenwood Office will be together.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Resolution; carried.

#### ***Executive Session - RFRHA***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

Recess

Tour of the Henry Building

Commissioners thanked Bob Szrot for the excellent job he has done so far on the remodel at the Henry Building.

#### Proposed Airport Rules and Regulations

Ken Maenpa and Carolyn Dalghren were present.

Rules and Regulations for the Garfield County Regional Airport were presented. These are common sense regulations and do not imply problems. This is necessary as a basis to operate increase there is a problem. In 1993 the Airport Authority adopted some regulations. The rules and regulations proposed include:

#### Why?

- Protection for:
- Airport Users
- Airport Businesses and Tenants
- General Public
- BOCC

#### Original Rules and Regulations

- Adopted by the Airport Authority February 1993

#### Proposed Rules and Regulations

- Includes most all of the original regulations as adopted by the Airport Authority.
- Simplified
- Establishes the BOCC's ownership and operation of the Airport.

#### Rules and Regulations

- Aircraft Rules
- Motor Vehicle Traffic
- Personal Conduct
- Commercial Aeronautical Activities
- Fire/Storage Disposal Regulations
- Fueling Operations

#### Minimum Standards for Commercial Aeronautical Activity

##### Airport Authority Draft of Minimum Standards - September 1996

- Included in the Rules and Regulations
- Never adopted by the BOCC
- Never adopted by the Airport Authority Board

#### Purpose

- FAA Assurances for a Public Use Airport.
- Airport Owner (BOCC) is obligated to make the airport's facilities and services available on fair and reasonable terms without unjust discrimination.
- Owners may insist, in return for the privilege of conducting an aeronautical activity on the airport, that the person, firm or corporation must meet the standards established by the airport owner governing the quality and level of services that are offered to the public in connection with the conduct of a particular aeronautical activity." (AC 150/5190-1A)
- Protects the Board of County Commissioners
- Protects the legitimate businesses on the airport
- Public Interest
- Levels the playing field
- Fosters Business

#### Process

- An application is submitted to conduct a Commercial Aeronautical Activity on the Airport.
- The Airport Manager reviews the application for compliance.
- A "Public Hearing" is scheduled and posted. The BOCC shall hear all evidence for and against the applicant.
- After deliberation at the "Public Hearing" or a later meeting, the BOCC - May 6 entered into an "Agreement Under Standards" with the applicant or deny the application based on the 12 criteria listed in Section IV of the Minimum Standards.
- Airport Manager - administers the BOCC's Agreement Under Standards.

Ken stated he hoped the Commissioners would back him if there is any problem. There should also have the Sheriff and the City of Rifle be included in the public entities that support to enforce the rules and regulations. Violations will be reported to the Commissioners.

The rules and regulations are not being requested to be approved

Carolyn stated this will clarify businesses conducting business on the Airport property. These standard rationalize the process and ensure fairness.

Russ Pierce and Richard Collier - Airport Maintenance

They have enjoyed the airport and hope there aren't too many rules and regulations where there is a level of being uncomfortable. Asked that the Board not make hasty decisions.

40 years in aviation and at every airport in many states, including Colorado and the best airports are those without fences. The people that fly and have aviation businesses make good decisions and like their freedom that comes with flying.

Russ said some regulations are FAA rules and didn't need to have them duplicated.

Jack Boyd - General Manager for the FBO - he supports Russ and didn't want to make rules just to make rules. Some are needed.

Jack commented that in reviewing the minimum standards, it appears there may be an annual fee for any business. Since new pricing per square foot, increasing the jet fuel fees, and now this new fee does implement a hardship. He voiced that the fees are high starting at -0- to \$200.00.

Ken commented that the FBO is not under these new fees but it includes other businesses that may come in and sell aircraft, etc. He referenced this to hunting and fishing licensing.

The Board will receive the input and then make a decision.

#### **CONSENT AGENDA**

- A. APPROVE BILLS
- B. SIGN AMENDED PLAT: BATTLEMENT MESA FILING
- C. SIGN RESOLUTION OF APPROVAL: TOLER SPECIAL USE PERMIT
- D. SIGN AMENDED EXEMPTION PLAT: BERTOLHF
- E. SIGN RESOLUTION OF APPROVAL: AMERICAN SODA FISCAL IMPACT MITIGATION PROGRAM
- F. SIGN RESOLUTION CORRECTION CONDITIONS OF APPROVAL CONTAINED IN RESOLUTION 99-111, RANCH CREEK PLANNED UNIT DEVELOPMENT SUBDIVISION
- G. SIGN CONTRACT SECURING HEPWORTH-PAWLAK GEOTECHNICAL, INC. PROFESSIONAL SERVICES FOR LAND USE REVIEW  
[This is an open-ended contract. These fees are reimbursable by the developer.]
- H. SIGN RESOLUTION OF APPROVAL: RUDD SPECIAL USE PERMIT
- I. SIGN ORIGINAL AMENDED EXEMPTION PLAT: TASSADA
- J. SIGN CONTRACT: ENGINEERING SERVICES FOR REVIEW OF SPRING VALLEY RANCH ("CHENOA") DEVELOPMENT APPLICATION

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Agenda items A - J; carried.

#### ***Adjourn***

Commissioner Stowe made a motion to adjourn and it was seconded by Commissioner McCown; carried.

Attest:

Chairman of the Board

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**NOVEMBER 8 , 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 8, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

Joint City County Meeting Tuesday, November 9, 1999 at 7:00 A.M. at City Hall.

***Executive Session - Two Personnel Issues***

Phyllis Lundy and Dale Hancock were asked to remain for these issues.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

***RFTA - Transportation Authority***

Dan Blankenship, Colin Laird and listen Marlene. were present to share the what benefits of joining the RETA Authority would mean for the County.

Transportation Authority would be for the various county and municipalities. .Dan explained at the last meeting - Walt and John were present and they talked about the process necessary to get to an election in May just to create a rural transportation authority. This could impose a \$10.00 fee on vehicle. Then a special district to pass a sales tax up to .04 tenths. Comprehensive and detailed fund in November 2000 or 2001 - - conceivable not to have to impose the .04 in every district. They are trying to obtain an IGA from the various entities -- therefore, their presence today.

Consider a Resolution to participate in a RETA IGA and hold some public hearings. This is not a binding agreement, it is leaving options open to obtain more information.

Commissioner Stowe said he was cautious but favored the concept of a complete transportation.

Mildred mentioned the election process saying that she needed to know the areas that would be involved.

The IGA is the first step toward finding out who is wanting to participate in this initial election.

Dan Blankenship mentioned that Garfield County.

Mildred estimated \$1.25 a voter - it can be a polling place or a mailing.

Dan mentioned the expenses involved.

Bill Grant - Rifle - quality of drivers is not suitable for the Traveler

Assume that the RTA goes though, what happens to the asset that RFTA has and assuming that the rail goes in with the rail delayed for 2 -3 years, what does it do to the fees.

Dan will be making a presentation to the Rifle City Council on November 22, 1999 - it's an Agenda Item

**ADMINISTRATOR'S UPDATE**

Ed Green gave the report including:

Interim Parking - Jail Project - a 6' fence along the Union Railroad property and the drawing was submitted.

Proposed Pipeline Project -- Division of Wildlife

Commissioner McCown, Ed Green and Tom Dalessandri took a tour of the Fish Hatchery.

Commissioner McCown stated the Division of Wildlife needs to accomplish this project to protect to ensure the Whirling Disease is

Commissioner McCown stated the majority of the work will take place within the County 60 foot right-a-way.

Guarantees

Several other hatchery's have done this and it worked.

No problem with water rights - no change in the adjudication of water rights.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to participate and find an agreement with Rifle and the County; carried.

***Community Corrections Board - Members***

Guy Meyer presented the 3 letters of interest for the three openings - Renee Brown, Bob Ketchum and Jonathan Shamis.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to accept the recommendation by Guy and appoint Renee Brown, Bob Ketchum and Jonathan Shamis as members of the Community Correction Board; carried.

Guy is to notify them of the appointment.

***Community Corrections - New Programs - Pretrial and Diversion***

Guy explained that these new programs will help to extend the life of the jail. He has been meeting with the Community Correction official in Grand Junction and would use the Mesa County Program as the model. Guy proposed that Ed Green and the Board to take a field trip and see how Mesa is using their resources. The Tour would show the Board how the programs work and the tax dollar savings benefited by having these programs in place. Their program is in place and the facility is there therefore, Guy stated it would not do any good to have Mesa County come to Garfield.

A tentative date of December 2nd was discussed.

***Titles***

Berthoud's Trade-in - 1994 and 1996 Ford Pickup

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the signature of the Chair on the titles as presented; carried.

***Executive Session-Personnel Issues***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; motion carried.

**COUNTY ATTORNEY'S UPDATE**

Don DeFord gave the update on the following:

***A. Approval Annexation Emergency Communication Site***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign an emergency Communication Site; carried.

***B. Authority to Executive Lease Assignment: Corporate Aircraft Services, Inc.***

Carolyn Dalghren, Ken Maenpa, Bob Emerson of Alpine Bank - Rifle, and Paul Hoffman from Corporate Air were present.

Update - lease agreements and operations agreements. The standard form that the bank uses will not work. Carolyn explained that this was necessary to clarify some issues. Corporate Air will not be able to move forward until the Bank completes the paperwork.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Executive Lease Assignment with Corporate Aircraft Services.

Discussion

The Chair or Chair Pro-tem - amended motion.

Commissioner McCown amended his motion to include this; Commissioner Stowe amended his second; Motion carried.

***C. Authority to Executive Lease Assignment: The Flight Department***

Carolyn Dalghren, Ken Maenpa, Andrew Duramus and his attorney for The Flight Department were present.

Carolyn explained that this was an assignment from The Flight Department Hangar for the ground rights and the Flight Department will retain the building.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair or Chair Pro-tem to sign the document; carried.

**FAIRGROUNDS - ARENA - SITE PREPARATION AWARD - Gould Construction**

Bob Szrot, Don DeFord and Randy Withee were present.

Bob explained that Gould will proceed this week and will be done by mid-December. The Weekenders are taking down the old building.

The overall cost of the building - the lowest was \$142,000 to erect the building.

The price will put this over the budget by \$60,000. The engineer's estimate was low.

Commissioner McCown suggested Randy check with the Airport for a comparison of prices for erection of building.

***Site Preparation***

Motion - pull out the extra \$60 - \$80,000

Ed said the money is in the Capital Budget and some can be re-cooped from Go Co.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to award the site preparation to Gould Construction; carried.

***Sprinkler System***

Randy explained that this was not being considered at this time.  
\$50,000 was budgeted.

***Probation - Henry Building***

Randy reported that this was completed.

**SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

***Year 2000 Proposed Budget: Public Comment***

Georgia Chamberlain, Don DeFord, Dale Hancock and Ed Green were present.

Dale presented the summary budget for the Commissioners.

Chairman Martin mentioned they started with a deficit budget and gave credit to Ed Green and his staff for the proposed budget that no longer shows a deficit.

Ed said the biggest challenge was to get the IVS system.

Performance Budgeting is used to force everyone to develop an operating budget and support it with documentation.

The Commissioners reviewed the condensed version of the budget.

Discussion was held.

***Motion***

Commissioner McCown moved to accept the Year 2000 budget as presented. Commissioner Stowe seconded; motion carried.

**CONSENT AGENT**

- A. Approve Bills
  - B. Sign Resolution of Approval Concerning Special Use Permit for an Accessory Dwelling  
Unit: Bruce and Rue Arbaney
  - C. Sign Special Use Permit: Bruce and Rue Arbaney
  - D. Approve Boundary Line Adjustment: Lot 8, Block 1, Rifle Village South Subdivision:  
John A. Reichert
  - E. Authorize Preparation of an Original Mylar Amended Plat Concerning Lot 8, Block 1,  
Rifle Village South Subdivision: John A. Reichert
  - F. Sign Cook Exemption Plat and Resolution of Approval  
Withdrawn from the Agenda
  - G. Sign Amended Final Plat, Lot 1, Block 6; Lot 2, Block 6, Unit 1 of the Elk Creek  
Development
  - H. Approve Request for Time Extension: Bernklau Exemption
- A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the Consent Agenda Items A - H; carried.

***Adjourn***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

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**NOVEMBER 15 , 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 15, 1999 with Commissioner Chair Pro-tem Larry McCown and Commissioner Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Commissioner Pro-Tem McCown called the meeting to order at 8:00 A.M.

**ADMINISTRATOR'S UPDATE**

Ed Green provided the Commissioners with his report consisting of:

Meeting with the General Improvement District (GID) of Glenwood Springs

- Discussion of Union Pacific/RFRHA Approval to Use the
    - 18 month use may not allow for use during City Hall Construction
    - Precludes need to activate the other 5 alternatives
    - The city noted that use of Wye impedes work on 8th Street
    - GID expressed concern that the Wye be used for general parking and that close-in parking be used to incentives HOV use.
  - Constriction Parking
    - GID Recommends that we evaluate use of:
      - School property
      - Butler Rents property
    - GID recommended that we should also continue to look at shuttling options
  - MOC Parking
    - All agreed MOC parking should be constructed ASAP
    - Many expressed concern that the MOC would not be the long term solution, even with a deck
    - It was agreed 7th Street would remain open to the west for access to MOC parking
    - All agreed the County pays for MOC and the County pays for parking north of courthouse
  - Other issues
    - C-DOT to assist in planning for parking and transportation in 2 months and
    - County should continue to pursue other 5 alternatives
    - GID suggested joint effort by City and County to manage parking
      - Commissioner and City Council Involvement
      - County representation on GID
      - Van pools, park and rides, shuttles, restricted parking, decked parking, etc.
      - Concern expressed about City County employees parking for free
    - Suggestion that scope of jail be reduced to accommodate parking concerns
- Water and Sewer Line Extension - Rifle Airport Land
- Negotiation reflects
- Delete 200 acres served but not in agreement -- 50K
  - Re-engineer 8" line (steeper grade) -- 25K

Bob Howard suggested to increase his sewer tap fees from \$500 to \$1200 and this way Rifle will contribute.

Ed said the funds were available and the County should continue with the project. Construction is intended to start in about 2 weeks.

Commissioner Stowe made a motion to proceed with the water and sewer line extension at the Rifle Airport land. Chairman Pro-tem McCown seconded. Vote carried.

**Energy Impact Meeting**

Tim Sarmo indicated he had signed off on the \$500,000 Energy Impact Grant and it has therefore been approved.

- Continued interest in maintaining a healthy fund balance for the lean years
- More focus on directly related projects (more money too)
- Multi-year projects encouraged

- Desire to immediately fund small value projects
- Industry involvement in local decisions
- Local publication of industry support

Our approach for the December cycle

Ed's schedule may include him being gone on Thursday and Friday.

School signs along CR 106

Pro-Tem Chairman McCown stated he would direct Road and Bridge

Forest Service/Wildlife Plan - 5 Year Plan

Proposed changes to state hunting regulations and big-game seasons will be set by the Colorado Wildlife Commission Friday in Denver. Commissioner McCown expressed his concern that this could mean economic hardship for local stores selling hunting licenses and other businesses which profit from the seasonal influx of out-of-state hunters. He mentioned there was pressure to approve the 5 year plan. He suggested Garfield County not approve this plan.

A motion was made by Commissioner Stowe that directed the staff to be asked to draft a letter in connection with Chairman Pro-Tem McCown's comments and that it be sent within the next few days.

Chairman Pro-tem McCown seconded; motion carried.

### **COUNTY ATTORNEY'S UPDATE**

Don DeFord requested an Executive Session to discuss the following: RFRHA Litigation; Review of the RFRHA Comprehensive Plan.

The Commissioners requested that Mark review the RFRHA plan and make comments. Mark mentioned his schedule was pressed this week due to the lack of one planner with Victoria Giannola leaving, but indicated he would allocate the time necessary to accomplish this within a week.

The Commissioners requested a copy of the draft plan in order to review.

### **EXECUTIVE SESSION**

A motion was made by Commissioner Stowe and seconded by Commissioner Pro-tem McCown to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner Pro-tem McCown to come out of Executive Session; carried.

### ***Contracts for Don DeFord and Ed Green***

Chairman Pro-tem explained that these contracts were discussed in Executive Session and an agreement was reached.

Commissioner Stowe made a motion to approve the contract with Don and Ed for the coming year.

Don suggested his contract was raised 2% the same as other employees.

Ed's contract was revised in accordance with his agreement. Ed received a 6% increase in salary and 2 additional days leave. Ed's salary was brought in line with the salary survey.

Vote on the motion: carried.

### **SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

### **PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Pat Tucker - New Wildlife Director for the Department of Wildlife. Pat indicated his willingness to work with the County and the citizens. The possibility of moving to New Castle or Silt is being considered, however his territory goes to Vail Pass.

Chairman Pro-tem McCown suggested that when their current lease is up to come back and discuss this with the Board. He also informed Pat that the Board was taking a position of NOT being in favor of the new Wildlife Plan. A letter is to be written for review during the process occurring on Thursday and Friday.

### ***Emergency Communication***

Guy Meyer mentioned some potential changes that were discussed at the Emergency Council Meeting.

New Castle and Silt Ambulance District are to be merged; also, the Fire Districts will be combined with New Castle and Silt as well.

This has to do with the Countywide growth and calls from inside Mesa County. Limited resources and increased demands on training add a lot of stress. This is a Countywide problem per Guy.

Guy announced that on Tuesday, November 16, 1999 - Emergency Communications will hold a Table Top Exercise in Rifle.

### **SCHEDULED WORK SESSIONS**

### ***Liquor License Renewals:***

- A. Ski Sunlight



- B. Valley Liquor
- C. Sopris Restaurant
- D. The Guzzler

Mildred confirmed that there were no negative reports on any of these entities requesting a liquor license renewal. She added that she had asked Deputy Sheriff Sears and he confirmed there were no incidents regarding these licenses.

A motion was made by Commissioner Stowe and seconded by Chairman Pro-tem McCown to approve the liquor license renewals for Ski Sunlight, Valley Liquor, Sopris Restaurant and The Guzzler; carried.

Mildred stated that a new liquor license will be brought to the Board for Battlement Mesa Activity Center.

***Airport Issues - On-Going Lease Agreement - Corporate Air and the Flight Department***

Ken Maenpa, Carolyn Dalghren, and Don DeFord were present.

Ken explained the Garfield County Regional Airport Fuel Farm Improvements.

Ken explained the scope of the improvements as:

- Manifold 2 existing 17,000 gallon tanks for Jet-A Fuel Storage

--Tanks shall be:

- Sandblasted and Interior Epoxy Coating
- Apply an exterior finish coat and decals
- Remove old Jet and Avgas piping
- Install new 4" Jet/3" Avgas welding piping and support

-- Bids

- Bid #1 - Avgas total bid -- \$57,320.00
- Bid #2 - TWS total bid - \$65,338.48                      November 1999
- Bid #3 TWS total bid - \$86,225.00                      August 1998

A motion was made by Commissioner Stowe and seconded by Chairman Pro-tem McCown to award the bid to Avgas for the 12,000 gallon UL-142 storage tank for \$57,320.00.

***Proposed Year 2000 Budget***

Capital Outlay - Fuel Farm Improvements - \$70,000

***Office Space for The Flight Department***

Ken requested approval to offer a 10 x 11 office space where they would enter into a month by month for \$100 a month until they get their Hangar built. This will be until approximately April of 2000.

He requested the lease be authorized to be signed by the Board.

A motion was made by Commissioner Stowe to approve the lease of a 10 x11 office space for the Flight Department located at the east of the Airport Building for \$100 a month extended until June 1, 2000.

Chairman Pro-tem McCown seconded. Motion carried.

Carolyn Dalghren updated the Board on the lease agreements and expected that by Tuesday these would be ready for signature of the Chairman Pro-tem.

Capital Outlay - Fuel Farm Improvements = \$70,000

**BUILDING & PLANNING ISSUES:**

Mark Bean submitted a memorandum regarding American Soda Pipeline SUP requesting that the Board consider

**PUBLIC MEETINGS:**

- A. Request for an Exemption from the Definition of Subdivision for Charles H. Klein.**  
**Located: Northeast of New Castle, off of County Road 241, East Elk Creek.**

**Applicant: Charles H. Klein-VIX Ranch /PUBLIC MEETINGS:**

Mark Bean, Don DeFord and Charles Klein were present.

Don DeFord determined that appropriate notification was in order and advised the Commissioners they were entitled to proceed.

This is a request for exemption from the subdivision regulations to create 3 lots and a remainder parcel by Charles H. Klein on approximately 220.0 acres located 2 miles north of New Castle, off of County Road 241.

***Recommendation***

Staff can recommend approval of the proposed exemption, 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 lots, 25 ft. wide 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 Site Acquisition Fees for each new exemption parcel.

That prior to the submission of an exemption plat, a new access easement showing at least a 25' wide easement onto cr 241.

That the applicant, and any future property owners of said property has the reasonable ability to connect with any municipal or centralized water and/or sewer system, the subject property owners shall be required to connect to said service and remove any existing well head(s) and individual sewage disposal system(s) which may be located on said property, within one year of the effective date of service availability."

Prior to the approval of an exemption plat, the applicant will submit documentation from the Division of Water Resources verifying that the wells can serve multiple dwellings and demonstrate that all wells will meet 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 draw down 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) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates and suspended solids;

8. That the following plat notes shall appear on the Final Exemption Plat:

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

"One (1) dog will be allowed for each residential unit within a subdivision exemption and the dog shall be required to be confined within the owners property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within a subdivision 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 be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision exemption, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries".

"Garfield County has a Right-to-Farm-and-Ranch regulation, which recognizes the important contribution agriculture makes to this County. Nuisance complaints made against customary and legal agricultural operations and practices will not be pursued."

"East Elk Creek is subject to flooding during high water and any structure must be a minimum of 30 feet from the normal high water mark of the creek."

John Taufer stated he was here for the applicant. He gave a review of the application and a history of the property stating the intent was to subdivide for distribution to family members who want an opportunity to obtain real property in Garfield County wanted to live on the ranch. Mr. Klein wants to have the ranch property remain in the family. The approval of this exemption request will satisfy that desire.

John added that the application includes dividing the entire property into four lots. Two lots would be 2.0 acres plus; one lot would be 5.0 acres and the remaining lot would be approximately 211 acres.

Mike Blair representing the Town Administrator of New Castle, said the raw water out of Elk Creek serves the New Castle water system. He asked that the Commissioners to be mindful of the conditions of the stream water.

Mark added that given this agreement a condition be included that they submit a quit claim deed on the access easement of 5' right-of-way prior to final plat.

A motion was made by Commissioner Stowe and seconded by Chairman Pro-tem McCown to approve the request for exemption from the subdivision regulations to create 3 lots and a remainder parcel for Charles H. Kline with all the major issues and concerns, suggested findings and the 8 recommendations with plat notes and including the addition of requiring a quit claim deed on the access easement of 5' right-of-way; carried.

### **PUBLIC HEARINGS: ABATEMENTS**

- A. Little River, Inc.
- B. Rifle Lodge, #1345 Loyal Order Moose
- C. Aspen Educational Research Foundation

Assessor Steve Rippy was present.

Chairman Pro-tem McCown swore Steve in for testimony.

Steve commented that these were exemptions and reviewed the abatement details.

A motion was made by Commissioner Stowe and seconded by Chairman Pro-tem McCown who stepped down from the Chair to approve the abatements for the Little River, Inc. for \$ 4,180; Rifle Lodge, #1345 Loyal Order Moose for \$2,772.32; and Aspen Educational Research Foundation for \$1,752.18; carried.

### **CONSENT AGENDA**

- A. Approve Bills
- B. Sign Partial Acknowledgment of Subdivision Improvements and Release of Security: West Rimledge Subdivision - Hammes.
- C. Sign Acknowledgment of Partial Satisfaction SIA: Rifle Creek Estates, Filing 2 - Fowler, Marais, LLC.
- D. Sign Acknowledgment of Satisfaction of Subdivision Improvements Agreement and Resolution Authorizing Release of Security -- The Fairways: Aspen Glen Golf Company
- E. Set Public Hearing Date for the American Soda Pipeline Special Use Permit  
A date was set for December 13, 1999 under Building and Planning 2:00 P.M.
- F. Sign Contracts to Secure Engineering Services for Review of Spring Valley Ranch (Chenoa) Land Use Application
- G. Sign Acknowledgment of Satisfaction of Subdivision Improvements Agreement and Resolution Authorizing Release of Security -- Aspen Glen Golf Clubhouse Parcel: Aspen Golf Company

Commissioner Stowe made a motion to approve the Consent Agenda and Chairman Pro-tem McCown stepped down as Chair to second; carried.

A motion was made by Commissioner Stowe and seconded by Chairman Pro-tem McCown to go into the Board of Health; carried.

### **BOARD OF HEALTH**

A motion was made by Commissioner Stowe and seconded by Chairman Pro-tem McCown to come out of the Board of Health; carried.

Lisa Pavislick gave the report and update on the various components within Public Health.

#### **Flu Shots**

- Clinics every Saturday in October

#### **Disease Control 2-1100**

- Immunizations for Overseas Travel

#### **Senior Health**

- Participation with the senior citizens

#### **MM. and Hepatitis**

In the schools these shots were provided

#### **Cats at Taughenbaugh**

A solution is being investigated. Animal Shelter has been contacted but due to a lack of resources they could not help. Lisa addressed this as a health issue. These kittens are born wild and are mean.

#### **Rifle Veteran - No Income - Health Need**

Joe Carpenter intervened and drove the man to Grand Junction. Public Health thanked Joe for his help.

The Board asked if Joe would look into a monthly type of income for this man.

Miles for Smiles

Lisa stated this went very well. The need now is for adults and especially seniors to be able to participate in these services.

### **Healthy Beginnings**

Lisa Pavlisick

Receptionist/Front Desk Employee

Lisa announced the opening and said they were looking for a bilingual applicant skilled for the duties and responsibilities of this position.

Fund-raiser

Plans for the upcoming event were discussed.

Goals and Objectives for Healthy Beginnings - Strategic Plan

Lift-Up

Acceptance of toys for Christmas and names for family food baskets for Thanksgiving are being received at Lift-Up.

Car Seats - Used and New

These are being accepted and inspected by C-DOT.

### **HUMAN SERVICES COMMISSION**

Margaret Long and Lisa Pavlisick were present.

Lisa presented the report and introduced Wendy Christie of Youth Recovery Center of Valley View Hospital Drug Rehabilitation and Colorado West and Kim Hilderbrandt of the Recovery Center for adults representing the Substance Abuse Program for Human Services Commission.

Wendy Christie provided the scope of the Youth Recovery Center saying it was an inpatient drug and alcohol rehabilitation program for young people. It is a joint project of Valley View Hospital and Colorado West Regional Mental Health Center, located at Valley View Hospital.

Kim Hilderbrandt - Recovery Center presented a brochure that included the scope of their services at Colorado West Recovery Center. In her report she included the following:

#### ***DRUG TESTING PROGRAMS***

- On site testing and monitoring for such programs as; DDS, 9th Judicial Court, Federal Probation and Parole, Preemployment Physicals for local companies and in-house testing for various programs.

#### ***ANTABUSE MONITORING***

- Monitor Antabuse for individuals who are court ordered or self-referred.

#### ***HIV EARLY INTERVENTION PROGRAM***

- HIV Risk Assessment
- Pretest Counseling
- HIV Testing
- Post Test Counseling
- Medical Assessment
- Referral Services

Kim mentioned that 222 admissions had been from Garfield County. The detox in Aspen was closed in July but the they have not increased numbers due to this.

Tried to reduce for bed and breakfast - these folks called a no frills detox; then when they reach a .05 level they leave. They have upgraded staff to the trained and professional in the field.

YRC has collaborated more with the Colorado West Mental Health to serve those with drug abuse and also mental illness.

The Halfway House was generated from the Probation Office. Outpatient Services - outsourced to White River Counseling. Statistics were presented and Kim said they are always full, more so after a full moon.

Some seizures have occurred. Service delivery is a real challenging as most have a high recidivism.

Criteria to leave the detox includes an assessment and a treatment plan that includes a working alcohol program. She stated it takes 90 day average to cure. Those who relapse are eliminated from the program.

On Recidivism, Kim stated they have had 3 - 4 have returned in the last few month that were in the program 2 years ago.

Pregnant women and substance abuse is something that need to be addressed and is nothing currently in place.

Margaret Long stated there was a need but so far no calls to social services. Fetal Alcohol Syndrome and Fetal Alcohol Abuse has not gone away.

Wendy mentioned a study performed in 1997 - 98 in Denver. For kids in detention, 9.1% of the youth are in detention and one out of 2 were using marijuana. 11% were using cocaine. The ages ranged from 14 - 18 years of age. Methamphetamine is a real problem as Montrose and Grand Junction is the hub. Heroin is difficult to clean out of the system. Kim stressed that this takes a long time and it is a very habit forming drug.

Focus on Under 14 for Drug Treatment - This is a real void in this County.

Wendy said they usually go to private counsel.

### **SOCIAL SERVICES**

A motion was made by Commissioner Stowe and seconded by Chairman Pro-tem McCown to go into the Board of Social Services; carried.

A motion was made to come out of the Board of Social Services by Commissioner Stowe and seconded by Chairman Pro-tem McCown; carried.

### **SOCIAL SERVICES**

Margaret Long and Colette Barksdale were present.

#### ***Child Care Licensing Contract***

The draft was submitted. It is a contract between the State Department.

Margaret Long requested to be authorized to sign the contract and she will draft a contract to enter into Summit County to provide services as well. The money is targeted to go to Summit County who will provide technical assistance. Garfield will do 3 counties and Summit will do 2 counties.

Licensing - Margaret stated she has just hired an employee that will be responsible for this Child Care Licensing Program. 120 clients is the maximum. TANF money can be used for recruiting. The anticipated outcome is that Child Care will be as a successful business and also supported by businesses. Margaret stated the contract was reasonable and good.

#### ***IGA - Rural Resort***

The 5 Counties consisting of Eagle, Pitkin, Garfield, Lake and Summit propose to jointly plan and develop regional child care programs which increase the licensed child care capacity, enhance the quality of child care, improve the access to care and provide information on a available care for parents and employers, and provide incentives and technical assistance to providers of quality child care.

A motion was made by Commissioner Stowe and seconded by Chairman Pro-Tem McCown to appoint Margaret Long as the authorized signature on the Child Care Licensing Contract; motion carried.

#### ***Contract - Re-upping Limits on Credit Cards*** through the Colorado State Employee Union

A motion was made by Commissioner Stowe and seconded by Chairman Pro-tem McCown to authorize the Chair Pro-tem to sign the credit cards for Social Services for \$2000 each.

Margaret commented that Roseanne Shelton oversees the program and cards are checked out.

Motion carried.

### ***Reports***

The following reports were handed out:

Child Abuse Reports

Investigations in Glenwood have increased, while Rifle has decreased. Social Services is helping law enforcement on some issues.

Custody and Youth In Conflict are hard to sort out -- sometimes it is both.

Expenditures to Budget reports

Child Support Collection

Joy said for the first time they may make their goal in Pitkin County. Margaret said they contract to do this due to Pitkin County in the same judicial district.

Colorado Works - Caseload

Food Stamp Assistance

Employment

There is a 20-25% turnover rate in employment throughout the County.

Foster Homes

Margaret stated they were losing foster homes attributed to people not volunteering. It relates to the cost and pace of living. This reimbursement is at \$500 a month at present. Numbers are down because some have been adopted out.

### ***Payroll and Bills***

A motion was made by Commissioner Stowe and seconded by Chairman Pro-tem McCown to approve the bills and payroll; carried.

## **PUBLIC HEARING: NOTICE TO CONSIDER INCREASING PROPERTY TAXES FOR CAPITAL EXPENDITURES**

Barbara Gaber and Ed Green were responsible for the publication of the hearing.

Don DeFord determined that the publication was adequate and advised the Commissioners they were entitled to continue.

Ed Green presented slides that outlined the proposed increase of property taxes for capital expenditures.

This is a hearing to discuss the question of using higher tax revenues anticipated in 2000 for the new jail and other construction projects. The question raised is should Garfield County retain an estimated \$608,000 in property tax revenues that are over the 5.5 percent revenue increase limit set by state law.

Don DeFord mentioned that if the revenues go up on our mill levy more than 5.5 percent, then the County has to reduce the mill levy. Or we can have a public hearing and devote the additional revenues on capital spending. The law is designed on an annual basis in assessed value. This is an annual event. Dale Hancock stated if the Commissioners agree to keep the extra revenues, a total of \$1.58 million it will flow into the county's capital expenditures fund for 2000.

The funds would be devoted to the payments of \$910,000 to payments on the new county jail; the rest can be spent on road and bridge projects for the purchase of a 40 acre parcel of land near the Garfield County Airport for a consolidated road and bridge complex.

Slides

The Rules

- Total County levy of 13.655 mills cannot be exceeded
- Allows up to 5.5% increase from assessed values and new construction to be distributed to all funds
- Anything in excess of these must go to capital expenditures increase
- Commissioners must approve retaining the incremental increase
- If retained, all such "excess" funds must be directed to the capital expenditure fund

Analysis of Property Tax	1998/1999	1999/2000	Difference
- Assessed values	\$496,648,840.00	\$573,673,350.00	\$77,024,510.00
- Property Tax	6,781,740.00	7,833,537.00	1,051,797.00
- Base	6,402,030.00	7,503,004.00	1,100,974.00
- New Construction	379,710.00	330,533.00	(49,177.00)
Property Tax Applications	Dollars	Mills	
- General	\$ 4,629,413.00	8.068	
- Road and Bridge	666,037.00	1.161	
- Social Services	506,555.00	0.883	
- Retirement	245,533.00	0.428	
- Capital Expenditure	1,580,476.00	2.755	
- Oil and Gas Exemption	161,776.00	0.282	
- Refunds and Abatements	44,747.00	0.078	
- Total	7,833,537.00	13.655	

Conclusion

- Difference between last year and this is \$1,051,797
- Jail debt service - \$925,000
- New gain, exclusive of debt service - \$126,797

*Public Input*

Michael Watts - voiced opposition of the Board mainly focusing on the fact that the Commissioners did not support the libraries. He felt the people voted to against the libraries effort to raise the mill levy because they felt the County Commissioners didn't support the libraries.

In 1997 a ¾ % sales tax increase. Prior to that endeavor some \$600 was already dedicated and almost \$2 million went into the general fund. Added with what they want to keep adds up to \$2 ½ million over and above state law. Capital expenditures means the jail and the airport. When will it be advertised that a \$100,000 will be devoted to a snow blowing machine for the Airport. On the Airport, he believes GARCO has entered into a "keeping up with the Jones" with Eagle, Mesa or Pitkin County. On the jail, a figure was proposed last spring and the Board said that was doable. Commissioner Stowe gave Michael his word that he would reexamine the jail issue. Chairman Martin committed that the jail would be built at that dollar figure and if not he would put the roof on himself.

Ken Call - former Assessor of Garfield County - said he wanted the Board to not only look at this year but the last 3 years. He wanted to go into the record as questioning the law. In 1994 there wasn't a capital expenditure -- now it is higher than road and bridge. The county mill levy has not gone down.

1984 - every taxing authority with the exception of the county lowered their mill levy. This money in excess should be a mill levy credit. Every year when there is property evaluation the taxes are increased. His opinion is that 22% last year and 15% this year. He called LaPlata County and the Department of Local Affairs. \$970,000 will be mandated for repayment of Garfield County per the Department of Local Affairs but later they changed their mind that Garfield County was in compliance.

1994 - 1998 - taking a 7% the County has retained over \$1.5 million of money that should have gone back to the taxpayers. He suggested anything in excess should be a credit to the taxpayers. The County should be an example.

#### *Airport Issue*

Ed commented on Michael's comment on the Airport.

The snow blower was approved for \$18,000. The original value was \$150,000.

Michael asked about the amount of money that Garfield County put into the Airport.

Ed mentioned that the money comes from the Federal Government.

Michael mentioned that it was tax money.

Chairman Pro-tem McCown mentioned this was money given to the FAA and it would be spent regardless of where.

Michael said it was a misconception of something being labeled free was tax money.

Commissioner Stowe stated that as a County we are in dire need of improving the capital expenditures budget. A lot of maintenance is needed and the employees are the lowest paid county is the state. The Library may possibly be in a position when the Library will receive the full ¼ %. It is not feasible for the County to give this money back to the taxpayers.

Ken agreed with what Commissioner Stowe was saying. But the capital expenditure program should be laid out and shown where it was going.

The higher cost of the jail is the cost of borrowing money per Commissioner Stowe.

Chairman Pro-tem McCown asked for clarification as to the mill levy.

Don DeFord stated the mill levy could be reduced.

A motion was made by Commissioner Stowe to close Public Hearing. Commissioner Chair Pro-tem

McCown seconded; carried.

Commissioner Stowe moved to keep the excess 2000 revenues of \$610,000 in tax money next year above the 5.5% revenue increase limit in accordance with state laws. Commissioner Chair Pro-Tem McCown seconded; motion carried.

#### *Issues Not on the Agenda*

##### *Financing for the New Facilities at the Hospital*

Don DeFord reported.

A proposed agreement with Sherman and Howard to act as bond counsel for the County as the issuer. The bond proceeds goes to the hospital and all expenses for the bonds comes from these funds.

This will be placed on the November 22, 1999 agenda.

Don asked for a prepared analyses of how the hospital determines to pay the bonds.

This will not be an assured bond issue.

Public Hearing was set for December 6

##### *CR 116 and CR 117 Intersection*

Sam Phelps will have final plats showing an overlay of the proposed reconstructed intersection versus what the County owns in right-of-way.

The design for the intersection and if the remaining right-of-way will compensate for the new road.

##### *Jail - Relocation of Utility Lines*

Terms in cost of jail and utility relocation - should discussion be held with the city oh how they will pay the county for this relocation?

##### *Change Notice - Department of Wildlife - Watershed Agreement on the 208 Study*

Commissioner Stowe made a motion to authorize the Chair Pro-tem to sign the letter regarding the change notice extending the time for the Watershed Agreement on the 208 Study. Chairman Pro-tem McCown stepped down as Chair to second the motion; carried.

***Adjourn***

A motion was made by Commissioner Stowe and seconded by Chairman Pro-tem McCown to adjourn; carried.

Attest:

Chairman of the Board

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**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
NOVEMBER 22, 1999  
GARFIELD COUNTY, COLORADO**

The special meeting of the Board of County Commissioners was held on November 22, 1999 at 9:00 A.M. with Chairman Martin and Commissioner McCown present. Commissioner Walt Stowe was absent; he was in Denver. Also present were County Attorney Don DeFord, County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**APPOINTMENT BOND COUNCIL: VALLEY VIEW HOSPITAL BOND ISSUE - INDUSTRIAL REVENUE BONDS.**

Don reported that Calvin Hanson and Blake Jordan will be the ones handling the bonds.

Don requested that Calvin be appointed as bond counsel.

Commissioner McCown moved to appoint Calvin Hanson as the bond counsel for the Valley View Hospital with the firm of Sherman Howard. Chairman Martin stepped down as Chair to second the motion;.

This is scheduled for December 6 and may be moved to December 13, 1999.

Motion carried.

***Biannual Meeting of Garfield Services Center, Inc.***

This is the council that administers the business at Taughenbaugh.

Former Commissioner Marian Smith will be replaced by Commissioner Walt Stowe.

A motion was made by Commissioner McCown and seconded by Chairman Martin to appoint Commissioner Walt Stowe to replace former Commissioner Marian Smith on this Council; carried.

■ ***Consideration of Amendments to Rifle Intergovernmental Agreement***

Don DeFord said he had received a request from the attorney for the City of Rifle regarding amendments to the Rifle IGA and requested a motion to have the Chair authorized to sign.

A motion was made by Commissioner McCown and seconded by Chairman Martin with respect to the updated regulations and codes affecting fees for the Rifle Land next to the Airport Land being purchased from Bob Howard; carried.

***Water/Sewer Line - Airport***

Ed Green reported they will start this in January with completion in April or May.

***Signing of Airport Agreements***

Don DeFord and Ken Manepa were present

Don explained the agreement to the Commissioners and requested the Chair be authorized to sign the Colorado Grant for \$108,744 with Carolyn Dalghren review.

Commissioner McCown so moved; Chairman Martin seconded; motion carried.

***BOCC Furniture: Wood Color Choice***

Chuck Brennar presented the plans and requested a color choice of woods.

The Board decided on the colors and trim - a light oak with dark laminate.

The delivery will be January or February of 2000.

***Executive Session - Sue Rogers ad RFRHA***

A motion was made by Commissioner McCown and seconded by Chairman Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Chairman Martin to come out of the Executive Session; carried.

Comprehensive Plan - Referral to Building and Planning

A motion was made by Commissioner McCown and seconded by Chairman Martin to refer to Building and Planning to hire professional staff to review the Comprehensive Plan not to exceed \$5,000; carried.

Adjourn

Attest:

Chairman of the Board



**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
NOVEMBER 29, 1999  
GARFIELD COUNTY, COLORADO**

The special meeting of the Board of County Commissioners was held on November 29, 1999 at 8:00 A.M. with Chairman Martin and Commissioners Walt Stowe and Larry McCown. Also present were County Attorney Don DeFord, County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**AIRPORT - LEASE AGREEMENT - FBO**

Bob Emerson and Jay Rickstrew from Alpine Bank were present.

Don stated the bank and the County had reached an agreement between them - assignment of rights by way of description. It provides that the bank cannot assign it's rights without the consent to the County.

Consideration of the lease assignment goes beyond the lease to the FBO services. Therefore, Don said it was important to him in a legal sense for the County to control these.

Bob Emerson stated this is a 20 year lease. The Bank does not have the usual land involved in this type of a lease. Cooperation of the Bank and the County have worked through many of the issues. There is a loan on the books and banks assign funds to other entities, some banks are sold and therefore the bank needs to deal with this as a normal lease assignment. It is too long a term not to deal with it in the manner the County proposes.

The County would be giving up their rights to the lease. This assignment and the lease could wind up anywhere and does not provide that it cannot be assigned, it does state that the Board can hold their consent.

Bob added that the Board can withhold their consent for any reason. This is probably a loan that will be retained by Alpine Bank.

Don explained the lease saying the way it is structured now, the Bank does not want to be in the FBO business nor does the County.

Bob said the Bank would have a loan they assumed no matter what happened to the Bank and they made need to assign this lease.

Commissioner Stowe summarized 832 - listen and it seems the County is hamstringing the ability to select a new FBO should it become necessary.

Bob said the Bank has agreed to work together with the County to find that person who could take over the duties of the FBO and the buildings.

\$1.9 million is the lease agreement. This is all three buildings.

Don stated the current agreement in front of the Board is the best of all that has been proposed.

Commissioner McCown stated if the County gives up their rights to this lease, would all the terms of the lease assignment stay the same no matter who might purchase this loan.

Don clarified his concern saying 1124. Enforcement issues with a mega corporation on the west or east coast would be more difficult.

Commissioner McCown mentioned it was in the best interest of all parties to keep these buildings in place due to the depreciation factor and to receive .30 on the dollar if they were torn down. Therefore, he didn't think it would ever happen.

Bob stated it is better for the Bank to do everything to keep the buildings in place.

Don summarized that the loan in excess of a million dollars. The County may not be in a position to assume the liability of this dollar amount. The pros and cons have been covered. Between Bob Emerson, Carolyn Dalghren and Don they have carefully negotiated the details.

Commissioner McCown did not feel that there were any problems with the sale of the loan.

Jay said in the 26 years of operation, commercial loans were less than 1% being sold.

**No. 28 Assignment Provision**

Don explained that this is the problem that needs to be resolved. This is the only paragraph in the agreement that needs to be agreed to or changed. Don said in no way the bank will never be the FBO.

Given the problem with the two other parcels and the building they are going to build - should parcel A and B be broken out and taken out of the agreement and only talking about Hangar C.

Don has reviewed the document and the typos and other corrections were made.

Commissioner McCown made a motion to proceed to the Bank's terms and strike the one sentence in Paragraph 2080 as explained by Don DeFord and incorporate the way in which Attorney Bob Emerson has proposed in the Lease Agreement..

Commissioner Stowe seconded. Motion carried.

**EXECUTIVE SESSION** - RFRHA litigation

Don DeFord requested an Executive Session.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session and adjourn; carried.

Adjourn

Attest:

Chairman of the Board

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**DECEMBER 6, 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 6, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

***Employee of the Month - Dale Hancock***

Chairman Martini introduced Dale Hancock as the employee that knows how to get things done and congratulated him upon this selection by the Committee.

Dale contributed his \$50.00 to the Employee of the Month Committee.

**ADMINISTRATOR'S UPDATE**

Ed Green gave his report to the Commissioners consisting of the following:

***CCI Conference Update***

Governor Owens presented his "Smart Growth Initiative" as the conference and highlighted a very key areas: 1) Conservation leases that would last for 20 - 30 years and would be designed for a stream of income for farmers and ranchers in exchange for their agreement not to develop on their land; and gave the County, State and Ranchers an opportunity to evaluate where they were 20 -30 years down the road and see if development was appropriate at that time. 2) He also talked about Colorado Heritage Communities and under this one stresses that more than one jurisdiction enter into joint arrangements for planning.

Ed remarked that if the governor enacts some of these goals, then there maybe a change for the County to receive a grant to implement a data system that will do an analysis of planning in concert with other counties doing a 'what if analysis and what are the impact if this decision is made on the town and the county.'

Other initiatives the governor pointed out included best practices reporting throughout the State that he wants to activate; DOLA become the dispute Resolution entity for mediation of the action; he's concerned about flagpole annexations particularly in the Denver area and will move to tighten those up in the next year; a sub-element to Smart Growth called Colorado Dreams. In that the Governor wants to try to encourage tax credit from employers that help employees with down payments and closing costs for Affordable Housing; and focus on construction of rental properties as well as permanent residences to improve the Affordable Housing situation in areas like ours; will ask the counties and municipalities reduce or eliminate the building and planning fees associated with such Affordable Housing.

Ed mentioned he approached the governor about the transportation of hazardous and neicular materials on the I-70 Corridor and noted his concern regarding the daily traffic pinch points along the corridor, Glenwood ,etc. and noted the fact that the County had contacted numerous federal and state agencies and no brought a commitment to glue this altogether. Governor Owens was sympathetic but he wasn't willing to provide any funding to coordinate the effort.

Commissioners from Clear Creek County share the same concerns and they will organize a meeting along the I-70 coordinator to see what can be done to help coordinate the effort in response to such emergencies. Guy and Ed will participate in this.

The big point of the conference related to Social Services area -- the Lt. Governor had proposed an entire set of changes and one that was dicey was the requirement that all Social Services people have degrees. This was not well received. A modification to that was they agreed there was a need to have enhanced training for those folks but maybe it should be a module of training and bring everyone up to minimum standards but not require degrees.

Chairman Martin stated that CCI along with the Governor presented a 10 point growth management plan that included everything from agricultural land and preservation as well as the lease a program on how to evaluate what it is and rate your agricultural land -- how to stop sprawl -- how to reduce the use of hillsides, etc. CCI hasn't endorsed this yet and wants all counties to go ahead and try and work with this managed growth plan.

### ***Probation Services Contract***

Guy Meyer gave the report and presented a contract for the State for accomplishment of certain probation services by his group. This contract will bring a significant amount of additional revenues to the county. Guy stated they responded to a bid that was put out by probation and his department was selected as the contractor for this. This would be a revenue source of \$10,000 per month. This will start bringing the Community Correction together with the district courts in development a better relationship in the overall plan they are trying to accomplish. It will fund programs. Guy submitted a revenue update for his department and currently they are a 69.8% of expenditures for 1999. He has an excess of about \$138,000.

Chairman Martin mentioned since he has been working with that program and it has been really turning around. The next step which is one that he feels will be successful and the Board needs to proceed towards the plan. It means more assistance for Guy.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to move a head with the contract and request that Don DeFord look at the contract; carried.

Guy mentioned that he had written another grant basically creating a new position starting at the pre-trial population on things in the jail. He reviewed a few months of the jail printouts to evaluate how much of the population is pre-trial and the information runs about 51.5 - 54% over the three month period that he assessed. This is jamming the prison in the front end and feels this grant will start getting on this and deal with this population. The person who will do this is a facilitator for offenders who are arrested and try to guard these offenders into participating so they can be linked into the program to generate an earlier time based upon mandatory sentencing laws that they will have to get involved. Therefore by the time the offender gets back before the bench, the Community Corrections staff and the probation department may entertain another option versus incarceration. There is a buy off in that the offender is released earlier and a diversion at the sentencing phase from incarceration. The other part of the population are those offenders charged with violation of probation's and this can be an intervention source for the Courts and District Attorney's office to channel these individuals to who can help them get back into compliance so that a future court proceeding the facilitator will have them back into compliance and in a better position for consideration of avoiding jail.

The budget total will be \$37,085 and a 75-25 match; federal share is 27,8133.75 and the county's match would be \$9,22711.25. These are fees that will fund the matching portion and accomplish this by charging some type of daily fee for involvement in the program. The Sheriff would have no control.

***Motion:*** Commissioner Stowe mentioned since this was a program that didn't cost the county anything and keep our jail crowding situation down, he thought the Board should proceed on this and moved that the Chair to be authorized to sign the grant for the new pretrial position.

Guy said the County will be laying a foundation for when that new jail is built by doing these things now and having the programs in place will extend the life of new jail.

Commissioner McCown seconded; motion carried.

***New Contract Administrator*** - Tim Arnett was introduced. Tim is from Grand Junction who worked in contract duties for the City and before that he work for Delta County and held a similar position; he has had a lot of experience in contracting and equipment contracting and services - and general purchasing.

### ***Project Update - Review of riding arena erection bids***

Randy Withee gave a briefing on the site prep and concrete work as:

- 1) Work currently going on - the three barns existing are not taken down and stored;
- 2) excavation has been underway last week and found at the southeast corner of the building while digging for footers that a lot of trash had been buried. Randy stated they expected some but the amount of trash necessitated to dig deeper and add structural fill in that side. He projected the possibility of having to do some more on the office areas when excavation begins on those footers.
- 3) They moved the building 10 feet to the north to give room on the south side which maybe helped out in not hitting so much trash.
- 4) As of last Friday, they started putting forms up for the north side of the footers and wall and progressing on with that.
- 5) Presently it looks like they are on board to complete by January 4, 2000 for that portion of the work. Today, Randy presented a look at regarding the erection of the building itself.

Commissioner McCown commented on the layout of the building and said that initially he thought the building was going to run north and south.

Randy said that the location of the building running east and west was presented to him when he took over the project.

Ed asked the difference.

Commissioner McCown stated it would probably avoided some of that over-excavation and those problems encountered. But as far as parking it is a wash.

Chairman Martin asked what advantage there was in turning it east and west?

Commissioner McCown said the advantage of running it north and south is that it would have been contiguous with the life barns and everything now is all configuration with the big barn coming out almost to the road, the entrance or the corner of the race tract, the main entrance coming off of Railroad Avenue and we have an L configuration going down to the old beef barn, the red barn in the back and one of the black barns running north off of that. When this originally was discussed, it was going to lay the other way. When Commissioner McCown noticed the difference in layout it was too late to ask why and when it had been changed -- the footers were dug.

Randy continued saying that what he presented today is - bypass the first sheet and the second sheet shows three prices that came in for erection of building. They are from 3 companies basically on the front range - Pro-Steel Erectors; System Contractors and Huskor Erection/ Basically there prices which includes the performance and payment bond is a gross of Pro-Steel is \$148,000; Systems \$199,000; and Huskors was \$165,000 but they didn't include a price on it for the performance bond/payment bond so Randy estimated \$5,000 putting it up to \$170,000. The duration of Pro-Steel 6 - 8 weeks; Systems - 70 days and Huskors 90 days.

Pro-Steel has been, to his understanding, has erected these types of buildings where eagle span was put together and they are familiar with the type of work and why the price difference is lower than the other two. The original estimate was only \$50,000 for the erection. Randy went back through the documentation he could find in the files and what is shown on the front sheet was, prior to when he took over, the rough bids to attempt to obtain a price. These were the companies that gave the dollar amounts that participated in that and called to the attention of the Board that the main building is 230 x 130 versus ours is 230 x 150. If we take the average and compare it with Pro-Steel and the others - is it out of line. Randy came up with \$2.40 per sq. ft. times the sq. footage for the building we have now and came up with a difference of erection of the office building basically there is what we received for rough bids. Then taking Commissioner McCown suggestion, Randy stated he contacted Kenny and this is what they had given him of \$3.50 per sq. ft. for those types of buildings which includes the insulation and times the \$39,500 sq. ft of this building and that's where the comparison is derived. This leads Randy is that this price is not out of the ballpark. The concern is that these sheets were put together showing the dollars spent to date projected cost and the perceived dollars included in the initial estimate and plus the budget funds. The results are - after the concrete work, we only have \$40,000 left in the official budget. When you award the contract for the building erection, it will be a deficit of \$108,000; then you have the rest - electrical, etc.

Ed asked as far as salvaging the project total amount basically \$210,000 - \$30,000 from CoGo in the year 2000 and the other \$80,000 has to come out of the capital fund.

Ed said there were really optimistic in the estimates.

Commissioner McCown mentioned that the estimates were totally off-base.

Ed reminded the Board of those conversations that once they torn the buildings down - we're committed and we torn them down.

*Motion:* Commissioner Stowe moved to award the bid on the erection to Pro-Steel Erectors in the amount of \$148,580 for the erection of the new riding area building at the Garfield County Fair and that we take the appropriate steps to get the funds in place to complete the project.

Commissioner McCown seconded. Motion carried.

**- Sewer/Water line extension status**

**Henry Building renewal of lease**

December 15 - lease renewal date

**Selection of Audit firm**

Ed stated the County is required to replace the audit firm every 4 years per financial management policies

**New term - 1 year plus three 1 year options**

Bidders consisted of

Bondi

Johnson, Holscher

Dalby  
CSD

The criteria consists of having sufficiency of staff; staff qualifications and training; organization qualification and relevant county experience; fund accounting and price.

A chart regarding the selection of the audit firm consisted of: all four bidders are excellent firms with highly qualified staff. The selection centers on price and convenience.

Ed reported that CSD had the lowest bid.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to accept the firm of CSD and for Ed Green to work out the details; the price was for \$19,050 with \$500 for printing - total of \$19,550; carried.

***Resolution - Mill Levy Increase***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to authorize the Chair to sign the Resolution for the Mill Levy increase; carried.

✓ ***Road and Bridge - Operation Procedures***

Ed reported that Road and Bridge were operating under some very outdated instructions that have been four time or more been replaced; however the old instructions are being adhered to. Therefore, in order to rectify the situation, he will be Meeting with Tom Russell and the Road Supervisors and wanted to have this in connection with the Board. The purpose will be to go through some of these old instructions and determine new replacement instructions.

***Colorado River Conservancy Board***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to extend the term of J. Richard Hunt to the Colorado River Conservancy Board; carried.

Ed will notify and thank Richard Hunt for his continued service.

***Oil and Gas - Well Division Order***

Ed submitted the division order for two wells stating they need to be executed with the Chair's signature. There is income \$25 a well.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the division well order for two wells at the price of \$25 per well; carried.

**COUNTY ATTORNEY'S UPDATE**

Don DeFord gave his report before the Board.

***EXECUTIVE SESSION - RFRHA Litigation - CR 109, Singer, Archuletta - Property Acquisition 117 and 109 and a Personnel Matter***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss the items as presented by Don DeFord; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

***IGA - Advisory***

Don reported on the IGA with the City of Glenwood Springs. A payment of \$490,000 was received from the City. The transfer of property to the City for their new City Hall is in the process with Don DeFord and City Attorney Teresa Williams. He said they still need the property legal description.

***Status of 1041***

Mark Bean was present.

Don stated that there is a need to retain someone to draft these new Regulations.

Mark has explored various attorney's who could put these together - two attorneys were willing to take the job - Barbara Green out of Denver and Ricky Santerialli - an Ex-Commissioner from Chaffee County and CCI Representative.

Mark said he estimated a cost of between \$15,000 and \$30,000 to retain someone to write these new regulations for the County.

City of Golden - Mike Bestor - told Mark they hired a high-power attorney to write there new regulations and he was very expensive.

Mr. Santerialli has called Mark asking if the Board had decided whether to proceed or not.

The Board gave Don to pursue an agreement with Ricky Santerialli that included asking for a direct proposal that would state the terms and price for each regulation. The Board will prioritize them and



The Board gave direction to Don to draft a contract with Ricky Santeriali that would include: Regulations for Mass Transit; Highway Site Selection; and Geology. Mineral Resources and Natural Hazards have been explored but the Board did not proceed with these at this time.

#### **EXECUTIVE SESSION - Building Code Litigation**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session with Don, Mildred and the Board; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

#### ***Resolution - Holidays for Year 2000***

Mildred Alsdorf presented the Resolution regarding County Office Hours, Commissioner's Meetings, Procedures for Special Meetings and the Holiday Schedule for the Year 2000.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to authorize the Chair to sign the Resolution as discussed; carried.

#### **4H EXTENSION AGENT INTRODUCTION: JACKIE BOLTZ**

Pat McCarthy and Jackie Boetz - 4H Extension Agent were present.

Pat introduced Jackie to the Board.

Jackie reviewed her credentials with the Board: a graduate degree in Political Science that was just finished last Friday and therefore she is very excited with the opportunity presented to her to be the new 4H Extension Agent. She identified her challenges that include the Fair; also that she believes in open door communications.

#### **AIRPORT RULES AND REGULATIONS: MINIMUM STANDARDS**

Carolyn Dalghren and Ken Maenpa were not ready to discuss this with the Board and they need more time.

As an update, Carolyn said they are in the process of reviewing the general contract with Isbill - with the County Attorney's office reviewing making clarifications and this will come back to the Board with a schedule and survey for the Taxiway extension.

#### ***Hazardous Material Transportation on the I-70 Corridor***

Commissioner McCown reported that he had received a call from a Commissioner in Clear Creek asking that Garfield County join in support with them and write a letter to the State Highway Patrol stating this type of transportation should not be allowed on the I-70 Corridor.

The Board decided they would draft a letter to be sent in a joint effort with Clear Creek.

#### ***Red Canyon Road***

Bob Szort and Commissioner Stowe walked the Red Canyon Road last week.

Discussion was held with respect to what possibilities could be made to improve the road condition.

Among those things discussed were: the possibility of putting concrete barriers along the outside; to do minor improvements such as pullouts and other ways to assist the Road and Bridge staff to be safe while doing maintenance - wet seasons and debris coming down on them.

Bob Szort was given direction to do some research and provide a presentation to the Board on some recommendations. Road and Bridge were to participate in this as well.

#### ***Awarding Jail Contract - Discussion***

A discussion was held regarding pre-qualified builders and the fact that the first advertisement was requiring contractor who had previously built a jail. The Board agreed they should re-advertise and open it up to the general market and open the playing field.

The Board agreed they should also look at local contractors who had some previous experience in building hospitals and schools.

If the contractor has the bonding capabilities to bid such a job as this, then the Board should review those bidders as well.

Expressions of interest due December 13.

The responses should be reviewed with both the architect and engineer - then the Commissioners will review.

Ed will follow up on this.

#### ***Commissioner Chairman Martin - Library Board***

Chairman Martin said he wants to sit on the Library Board and try and bring it back to the County as a working department. He felt this would foster better relations. He would fill an opening on the Board. Commissioner McCown said he had no problem. Commissioner Stowe no problem either.

***Executive Session - CR 116/CR 117***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session with Don, Mildred and the Board; motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to come out of Executive Session; carried.

Don DeFord was given authorization to obtain an applegate appraisal on property needed for the Intersection at CR 116 & CR 117.

**SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

**PRIVATE ACTIVITY FINANCING VALLEY VIEW HOSPITAL**

Don DeFord stated this was on the agenda for today as this needs immediate attention.

Larry Duper and Calvin Hanson were present.

Don DeFord determined that notification was adequate and the Board was entitled to proceed.

Chairman Martin swore in the speakers.

The proposed [Resolution authorizing the issuance and sale of Garfield County, Colorado, adjustable rate hospital revenue bonds - a Valley View Hospital Association Project - Series 1999 in an aggregate principal amount of \$18,000,000, to finance and refinance certain health care facilities; ratifying certain action heretofore taken; authorizing the execution and delivery by the County of a certain indenture of trust, loan agreement, bond purchase agreement, such bonds and closing documents in connection therewith; making determinations as to the sufficiency of revenues and as to other matters related to the project; and repealing action heretofore taken in conflict herewith] was submitted for the Board to consider.

Larry said they are working with Kalvin Hanson of Sherman/Howard in Denver on the financing of the bonds of \$18 million. The letter of credit is posted with Bank One, Arizona - AA Credit; Valley View Hospital reimburses Bank One by November 15, 2002 or refinances.

Don explained the County's part in the bond issue and emphasised the bank has the credit risk. The County's participation with this does not count against any debt association - i.e. the new jail will not be affected by this action. The County does provide the tax exempt status and are considered an accommodating party but not a responsible party.

Exhibits were submitted as part of the record: Exhibit A - Public Notification and Exhibit B - Resolution as proposed.

Chairman Martin entered these Exhibits into the record.

Larry Duper explained Exhibit B - the Resolution saying it shows financial resources available to pay for this debt and shows the annual payments.

Discussion was held.

Don stated that the County owned property where the hospital sits is currently encumbered with a lease - this cannot be included in these bonds.

Public Input

No one was present.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to close the Public Hearing; carried.

Don stated he was looking for a motion authorizing the Chair to sign the Resolution and instruct the County Clerk to record the document on Tuesday, December 14, 1999. The bonds are to be issued pursuant to the terms of an Indenture of Trust dated as of December 1, 1999 between the County and Bank One, Colorado, N.A. as trustee.

Commissioner Stowe so moved. Commissioner McCown seconded; motion carried.

## **WEED BOARD**

Steve Anthony stated that the Weed Advisory Board (WAB) met on November 11, 1999. They discussed plants for possible inclusion on the County Noxious Weed List. The plants on this list will be designated for integrated weed management within Garfield County. After some debate, the WAB has come up with a proposed list of twenty plants to be considered for the list. Upon review of this list, the Board of County Commissioners may approve, reject or modify the list.

After final approval of the list by the BOCC, the WAB will start work on a recommended weed management plan for Garfield County.

There are twenty recommended plants on the list. Eighteen of the 20 are found in Garfield County in various levels. Two of the plants, yellow star thistle and purple loose strife have not been confirmed in Garfield County, however they have been located in some of our neighboring counties. All of these plants are included on the State Noxious Weed List.

Steve Anthony showed slides of the weeds in Garfield County.

Russian Olive requires a public hearing and 30 days notice to the public.

Original Weed Law for the State was done in 1991.

Leafy Spruce - 95% in Garfield County

Russian Knapweed - 10, 15,000 acres of this weed.

Yellow Star Thistle - showed up in Montrose, Delta. California -10 million areas.

see list that the Commissioners select to put on the list.

With respect to the budget, Steve stated to take on 20 weeds is a lot. In 1999 they worked on Scotch Thistle around the railroad; IGA with C-DOT; enforcement i.e. the vacant lot in New Castle and application to private lands. Steve said they try to go in and use education.

Discussion was held.

The Weed Management Plan is in place and it show that the County is making progress.

Top priority - eliminate the new weeds coming into the area.

A motion was made by Commissioner McCown to adopt the 20 weeds as Steve presented and listed in his report and to go forward with a Public Hearing on Russian Olive. Commissioner Stowe seconded the motion; carried.

## **PUBLIC HEARING: LIQUOR LICENSE: BATTLEMENT MESA**

Mildred Alsdorf presented the Notice for Mithril Enterprises, LLC for Tolkien Tavern.

Chairman Martin swore in the speakers.

Mildred submitted the Public Notice in the Daily Sentinel and the Posted Notice; she said the Board of Directors' criminal history was submitted to the Sheriff.

This is for the Battlement Mesa Activity Center for special events.

The applicants Lynn J. and Lynn T. Shore explained what was included and excluded in their operation.

The specific areas for the licenses were explained. Special events were always allowed to have alcohol.

The former way they were handling the sale of alcohol for these secial events was cumbersome and expensive; the Board of Directors passed a Resolution that will require the sponsor of the event to come to them for coordination. They will in turn contract and provide servers for this.

Enforcement will be handled by Lynn J. and Lynn T. Shore.

The Shores stated there has been no adverse comments to them for having the liquor license.

A portable bar will be available. Any special event that is permitted by Battlement Mesa will need to contact the Shores and arrange for the liquor to be provided.

Commissioner McCown moved to close the public hearing. Commissioner Stowe seconded; carried.

Commissioner McCown made a motion and Commissioner Stowe seconded to approve the Tavern Liquor License for Mithril Enterprises, LLC for Tolkien Tavern, Lynn J. and Lynn T Shore. Motion carried.

*Executive Session - Personnel Issue - Building Code*

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session to discuss a personnel issue as presented by Don DeFord; carried.  
A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

### **LIQUOR LICENSE RENEWAL: RIFLE FIRESIDE LANES**

Commissioner Larry McCown excused himself due to conflict of interest.  
Mildred Alsdorf presented that this was a renewal. She stated there has not been any reports from the Sheriff's office.  
Commissioner Stowe moved to approve the Liquor License Renewal for Rifle Fireside Lanes.  
Chairman Martin stepped down as Chair to second the motion; carried.

### **COUNTY/FOREST SERVICE COORDINATION**

Dave Sillis and Ken Earlwine introduced themselves saying they both were new to the area. Dave has been here for 2 months on the job; he's originally from Missoula with 20 years with Forest Service. Ken is from Page, Arizona and has been an engineer with feds for 22 years. His job is to work with other agencies to go out and find money. Forest Service is constrained compared to the Corp of Engineers. The pieces of the funding - that's his goal.

*The Project - Forest Service - Buford Road and Mesa County* involves gravel extraction and crushing near Meadow Lake to add materials to the Buford Road in both counties. A joint venture between those three entities with a cost of around \$170,000 in materials. Rio and GARCO would distribute the materials, do the hauling, blading, etc. This has been put on hold due to not finding a crusher. This is still a very important to the Forest Service but the problem is not having money available. They do know the importance of protecting the watershed.

Discussion continued focusing on other projects identified by the Forest Service and County such as: Sweetwater Road, CR 150, the North side of I-70 -- road to the flat tops, road maintenance, recreational areas, the new Forest Service Plan, and weed management.

### **CONSENT AGENDA**

- A. PAY BILLS
- B. APPROVE REQUEST FOR TIME EXTENSION: OLSON EXEMPTION
- C. SIGN ACKNOWLEDGMENT OF PARTIAL SATISFACTION SIA FOR RIFLE CREEK ESTATES, FILING 2
- D. SIGN CONTRACT: HOUGLAND & ASSOCIATES
- E. SIGN NOTICE OF APPOINTMENT TO COLORADO RIVER WATER CONSERVATION DISTRICT BOARD OF DIRECTORS
- F. SIGN EXCESS REVENUE RESOLUTION

The Consent Agenda Items E & F were dealt with earlier.

A motion was made to approve the Consent Agenda Items A - D by Commissioner McCown and seconded by Commissioner Stowe; carried.

### ***Bills***

Allen Sartin reviewed the travel expense report saying that the current procedure does not require a review and suggested someone needs to look at that before it is approved.

Direction to staff:

A Commissioner will be directed to review and co-sign on the travel vouchers.

### ***Building & Planning - Don Owens Retirement***

Mark announced that Don Owens would be retiring from the Garfield County Building & Planning Department as a building inspector on January 10, 2000. He has been a part-time employee for the last 9 years, prior to that he had been with the County 15 years.

Don Owens said that he appreciates the opportunity to work and be a part of the County. He will still be available for inspections in Parachute if needed.

Arno Elers will take the position currently being filled by Don Owens. A new inspector, Dan Wilson, will be coming on in the next few weeks and he will take Arno Elers place.

Jeff Lauren - New Planner for Building and Planning - was introduced.

## **REGULAR AGENDA**

### **BUILDING & PLANNING ISSUES:**

#### **REQUEST FOR APPROVAL FOR CONDITIONAL USE PERMIT. LOCATED: NO NAME.**

##### **APPLICANT: MARK WHITE**

Don DeFord, Mark Bean and Mr. & Mrs. Mark White were present.

Don reviewed the legal posted notice, posting and notification to property owners within 200' of the property; also if public land owners were noticed. He advised the Board they were entitled to proceed based upon the testimony provided.

Chairman Martin swore in the speakers.

Mark Bean submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - Garfield County Zoning Resolution of 1978 as amended; Exhibit F - Letter from Swanson; Exhibit G - Letter from Cauker; Exhibit H - Letter from Carr; Exhibit I - Letter from Andrew McGregor; Exhibit J - Letter from Orcutt; Exhibit K - Letter from Hammer; Exhibit L - Letter from Argo; and Exhibit M - Letter from Kopf.

Chairman Martin entered Exhibits A - M into the record.

Mark stated this is a Conditional Use Permit to allow a studio for the arts and crafts for Mark White located in the No Name area approximately 2 miles east of Glenwood Springs off of No Name Lane on a 0.61 acre parcel. The proposed studio for the arts and crafts will be inside a room in the applicant's principal residence

and a part of the attached garage. The applicant primarily does sculpture for galleries and may have clients come to the studio by appointment only. The only works of art that will be sold will be the applicant's creations. The applicant works eight to ten hours a day, but all work will be done in a manner that should not bother any neighbor's privacy.

Mark continued to review the relations to the Comprehensive Plan, Description of the Proposal, Major Issues and Concerns; Suggested Findings and Recommendation.

##### *Recommendation*

Staff recommends 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 stated otherwise by the Board at the hearing.

No outdoor storage of materials and supplies will be allowed, except for two (2) completed works of art on display and in an area screened by a privacy fence.

There shall be no signs indicating the use of the property.

All arts and crafts activity shall occur within a building and comply with the standards contained in the Garfield County Zoning Resolution.

That prior to the issuance of the Conditional Use Permit, building plans certified by a qualified building inspector, architect or engineer, will be submitted to the County Building Department and a building permit for the previous construction will be acquired by the applicant.

Mark White discussed his concern with the Recommended Condition No. 2. He explained the why and wherefore of having a number of completed works on display saying he used the displays to further create his work. Additionally, he detailed how he created his pieces saying his art creations turn in the wind, hammers their motion, and from that he uses that information to make the next piece. It takes 6 pieces to keep creating new work. On their property - personal pieces displayed are not for sale. He has developed some other pieces that have never been priced. These have been displayed. The scale is very large but it is not obtrusive. Another piece is 6' tall and 6" in diameter -- demonstrating the possible method by which the hammer was developed.

Mark said he has six (6) prototypes - dancers and he has a well-known reputation. In his own collection he has 4 pieces. He stated that he has five (5) art pieces he is working on and a sixth (6th) one is in progress. Commissioner Stowe moved to close the Public Hearing; Commissioner McCown seconded; motion carried.

Commissioner Stowe made a motion to approve the Conditional Use Permit to allow a studio for the arts and crafts for Mark White located in the No Name area with a change in condition No. 2 - "No outdoor storage of materials and supplies will be allowed, except for five (5) personal collection art pieces that are not for sale and up to six (6) prototypes or works in process - screened by a privacy fence. Commissioner McCown seconded. Motion Carried.

**REQUEST FOR APPROVAL OF A DEVELOPMENT AGREEMENT FOR ROSE RANCH  
PLANNED UNIT DEVELOPMENT. LOCATED: THREE (3) MILES SOUTH OF  
GLENWOOD SPRINGS, OFF OF COUNTY ROAD 109. APPLICANT: ROARING  
FORK INVESTMENTS, LLC.**

Don DeFord, Tim Thulson for the applicant and Mark Bean were present.

Don stated this was a noticed hearing to consider a development improvement agreement for Rose Ranch. The time period for this notice is not specified by state law. Tim Thulson provided notice by publication of today's hearing which should be accepted into the record of this proceeding.

Don stated by way of description of what we're about to do. Sometime ago the Board considered a new vesting proposal for Garfield County which has been referred to the Planning Commission.

Mark indicated that it would be before the Board on December 13, 1999.

Don continued by saying, as part of that same state law, if the governmental entity involved does not have in place in their regulations; a specified time period for vesting that states what is a "site specific development," then the Board may, by individual agreement, establish vested rights for a specific property. At this point and time, the manner in which Garfield County has dealt with the question of statutory vesting was the central point of a discussion held between Mr. Thulson and Don regarding this development agreement for Rose Ranch. The development agreement itself is very short. Don added that initially the staff and he were not in agreement as to the exact form of this agreement with Mr. Thulson on behalf of his client. Originally, Don said, it should not include the entire planned unit development and should only relate to the final plat. Mr. Thulson and his client's position was otherwise. Since that time, they have come to an agreement that under the structure of this specific development that it is appropriate to go forward and vest rights for the entire PUD. The heart of that agreement is found in paragraph 4 on page 2. In regard to this development, the Board will recall that a PUD is in place and final plat approved for the first final plat. This is a critical element of the agreement for the staff in this case. The first final plat for Rose Ranch includes all of the common elements and all of the utilities needed to service the entire PUD. Therefore, if the final plat is recorded, it indicates that the developer has in fact posted security to complete all of those improvements with the County. The County then is assured that all of the public benefits included at the time of approval of the PUD will actually be built. This agreement tracks the Resolution that will come to the Board next week with a recommendation for approval of the staff and it is because of that significant element of completion of the public improvements that we will support it. So with that said, this would vest rights as seen in paragraph 2 through 2007 for this development.

Tim Thulson said that is the only difference in operation of this development agreement as opposed to the vesting of rights that would occur under the county regulations, if adopted. Under the county's regulations, the PUD would vest upon the filing of the first final plat for three years. This extends that 3 year period to 8 years to coincide with the Rose Ranch phasing schedule which is appropriate when talking about projects the size of this one. Again, the discussion that was held between the county staff and representation for the applicant, centered on the fact that in the first final plat, the applicant will essentially be completing 75% of all the public improvements in the entire PUD. These include significant off-site improvements; the intersection of Hwy. 82; rural improvements on CR 109; a water treatment system; pay all tap fees; and secured treatment with the Roaring Fork Water and Sanitation District. All of these improvements amount to about \$10 million dollars. There is an agreement that as the applicant builds out under that PUD, whether we vested under the common law or not, in this along with the county's regulations more or less define that.

Question regarding the letter of credit was answered:

Tim stated the Letter of Credit has been extended to March 6, 2000. However, this will be handled sooner than this.

Don added that the time period was extended to 6 months because of the uncertainty. Don clarified that they have to file before this is effective.

A motion was made to close the public hearing by Commissioner Stowe and seconded by Commissioner McCown; carried.

A motion was made by Commissioner McCown to approve the request for approval of a development agreement for Rose Ranch Planned Unit Development. Commissioner Stowe seconded.  
Chairman Martin stated this was unique situation and everyone needs to be comfortable with this in the future.  
Motion carried.

***Executive Session - CR 109 and Legal Advice - RFRHA***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

***Adjourn***

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session and Adjourn; carried.

Attest:

Chairman of the Board

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**DECEMBER 13, 1999**

**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 13, 1999 with Chairman John Martin and Commissioners Larry McCown and Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**REVIEW OF PROPOSAL TO PREPARE COUNTY REGULATIONS**

Mark Bean submitted a proposal from R. A. Santarelli

Commissioner McCown suggested moving forward on 3214 and mass transportation.. 1-420 and in accordance for Mark and not to exceed \$30,000; carried.

**DOW FEE TITLE ACQUISITION OF WHEELER TRACT**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the sale of the Wheeler Tract to DOW and add a caveat to have the Road and Bridge monitor the activities and receive a report during the year. Motion carried.

**ADMINISTRATOR'S UPDATE**

Ed Green gave his update that included the following:

**REVIEW OF PROPOSED LANDFILL SYSTEM UPGRADES**

Kenny Gardner and Marvin Stevens presented.

This was being presented to establish fair rates for Landfill Refuse by County for residents/businesses inside the County and for refuse by out of county residents/businesses and to operate as a self sufficiently entity. The rates came out to about .3 cents per pound, using the scales.

Ed mentioned that Don DeFord was looking into the rates for individuals using the landfill. Since we are a regional landfill there may the possibility of not being able to charge more.

Tom submitted a proposed fee schedule.

Selby Myers from the City of Rifle mentioned that a discussion had been held to go to a per pound the .3 cents per pound is a 76% increase. He indicated that increases in trash hauling would be necessary to meet the new rate schedule. He agrees that it was necessary to weight the trash. He agreed that it would be necessary to become self-sufficient; however, by offering the landfill as a regional operation and suggested that a portion of the fees should be tax supported.

Selby mentioned that a fair manner in handling these fees is necessary and asked how quickly the Commissioner had to move on this.

Ed mentioned \$500 was taken out of the general fund and another \$450 was due at the present time. The EPA is very demanding.

The Commissioners discussed the fees and said they were comfortable.

Ed mentioned the staff needed to revisit this issue with the fees per pound that the Board suggested and would need to report back to the Board on how long it would take.

Commissioner McCown suggested that this was an enforcement issue and the County would be creating a nightmare.

Chairman Martin suggested turning this into a position.

Commissioner Stowe suggested talking with Mesa County to see how they implement their restrictions.

Ed suggested they would discuss this and come back to the Board at a later time.

Tom mentioned that Pitkin and Eagle Counties were going to raise their rates. Therefore, the public is passing South Canyon and going to the Rifle Landfill due to the cheaper rates.

The Board requested additional information.

A decision was made to gather additional data and come back to the Board.

**REVIEW OF PROPOSED LANDFILL SYSTEM UPGRADES**

Tom presented the data on the Computer System proposed to implement a more effective billing system.

A date of mid-February was projected as the start date of the new fee rates.

Commissioner McCown suggested getting this computer system on board by January 15 and run a test program at 2.4 cents per pound.



A motion was made by Commissioner McCown to authorize the purchase a computer system as proposed in the support documentation presented and authorize the Chair to sign. Commissioner Stowe seconded. Motion carried.

Chairman Martin added that we will need to build an addition to the building - money is budgeted for improvements in the 2000 budget. Rest rooms, a good heating system, sewer and water will be proposed in the year 2000 - 2001.

#### **REQUEST TO ADD ONE FTE IN ROAD AND BRIDGE**

Phyllis Lundy presented the request to add one full time employee in Road and Bridge. Already been approved by the Personnel Committee to hire a full time employee to replace the contracted position. A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the request as Phyllis presented and authorize the Chair too sign the necessary documents to change from contract services to a full-time employee. Motion carried.

#### **UMTRA GROUND WATER COMPLIANCE PLAN**

#### **INTEREST BY COMMISSIONERS IN EAST OR WEST RIFLE UMTRA SITES**

#### **DOE DRAFT EIS -- YUCCA MOUNTAIN**

Ed stated a report from Rifle had been received. He explained the situation and the technology Rifle was looking at. Ed said they were focused on the uranium but it appears that the Vanadia was their problem. A treatment process has not been determined. They will be looking at the most cost-effective operation.

City Manager of Rifle Selby Meyers explained the steps being taken in order to address these concern.

The general purpose was to transfer the responsibility for the cleanup.

Commissioner McCown suggested keeping the situation at a level of comfort and was interested in knowing who is responsible for this.

Selby said they were looking at a 100 year threshold. The question is in accepting these two parcels, were the Commissioners interested in this site?

The Commissioners stated they were not interested. The property purchased near the Airport replaced the need for this property.

#### **COUNTY ATTORNEY'S UPDATE**

Don DeFord gave his update.

#### ***Executive Session - Settlement and Action RFRHA Litigation; Advice on Procedure in Conduct of County Commissioners; and CR 109***

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

#### **SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

Department of Transportation

Ralph Trapani and Owen Leonard were present.

The 20 year Planning Process for the Statewide Improvements were presented. The 20 year plan gets updated every 6 years. The Short Range Plan is fiscally constrained to include on the revenue projected as being available.

A map of the Intermountain TPR and projected listed in the 20 year plan in priority order. Leonard Owen said he developed this about 4 weeks ago. With the passage of the trans-bill, some other projects will be included and moved up.

Ralph Trapani said they were working on s STIP and one is the intersection of 116 & 117. The south Glenwood intersection is scheduled in 2004 for and construction in 2005. One other project -- they did receive some resurfacing funds and \$2 million will be spent on resurfacing on Hwy. 82 - Basalt underpass. Rutting problem between Carbondale and Glenwood Springs. Another projects is in Glenwood Canyon with out to bid in summer and repave the 12 miles.

Ralph Trapani said Rotomil is available to the County.

Chairman Martin mentioned that for the Sweetwater project the County would need about 150 yards to complete the project. This will be needed for Spring 2000.

#### ***Rio Blanco***

Hwy.13 - Ralph stated some projects in Rio Blanco were scheduled. Past CR164 and towards the Wyoming state line. Hwy.13 is the only way around I-70 and it needs guardrail and some road maintenance.

Parachute and Rifle roads have been impacted due to industrial development.

Ralph mentioned it was good to have Bob Szrot attend the meetings at C-DOT.

The C-DOT Section Managers were introduced: Welden Allen, and Jim Knoll

Welden asked of any problems the Commissioners would want to discuss. They have been working with Steve Anthony on this.

Ralph mentioned the property currently filling the needs of their maintenance was being looked at for a park. Wulfson is being looked at and this switch would need to make the department hold.

Mag Chloride

Weldon said they were always looking at new products on a consistent basis with testing on their merit. There are 2 -3 looking at now. Health Department, and others. Right now they believe it is in the best interest of the environment to stay with Mag Chloride

Doug Aden commented on sand and salt formerly used.

Weldon thanked the County for their help in the mud slides.

Ralph mentioned the management on I-70 is a major concern and the Sheriff's help has made a tremendous impact. He appreciated the assistance.

Jim Knoll - Regional Traffic and Safety Engineer - Currently, they are working with Carbondale on a joint progress at River Valley Road putting in light and sidewalks.

State Hwy. at 133 is being worked on. The turn lane is backing up past the lane designed. Funding is available to put more permanent markings.

Access and availability on State Highways - lack of the Board's review - need coordination with the County and the Department of Transportation for safer intersections. especially on Hwy. 82.

Jim said there was a process in place where the County does have the opportunity to receive this and provide comment.

As a County, they can act as the access permitting -- the good side is they will have to absolutely follow the code but they can also put additional restrictions. Engineering support staff will be provided by their staff. This process will give the Board signature responsibility and puts more of the control into local government. It will require both state and county sign off.

Owen Leonard appreciated the opportunity to meet with the County Commissioners and felt there is a good working relationship.

A concern is the the atomic waste coming through the I-70 Corridor.

Incident Management Effort - Regional and Region III running from Denver to the Utah state line.

This will involve all the agencies all along the way -- within Garfield County and the Glenwood Canyon.

This will be a two-year study - 6 - 7 months into the process. Identified stake holders and have contacted them -- advising the of the programs. The premise study - when an incident - a coordinated effort - firefighters, state, C-DOT, local law enforcements. This is the first cooperative effort. The teams are in the process of being put together. A working document within the next year and a - half.

Doug mentioned that this is a continuing problem is the funding issues. The Trans bill does not add additional money, and there will continue to be a pressure on funding. If the growth continues at the same rate, there will be a lot of changes.

Resource Allocation - Region III - came out with more money than previously thought.

### ***Impact Statement from Department of Energy***

Ed reported that they are building a new storage for radioactive waste. The other issue is the major sites in DOE - Washington, Idaho, Carolinas, Oak Ridge operations. They need to decide - how to best dispose of it permanently. These materials from are 77 different locations be shipped to Nevada. The appropriate containers and protocol for

Site needs to be ready by 2010 - Public Hearing in Denver in January - County has to provide comments by 2/9 according to the Federal Register. The most interesting aspect it that they do intend to provide the States with training and operation of public safety issues -- no information as to what that involves. They plan to Ship 12 foot long rods. However, more problematic is that these have high levels of podium liquid. Ed presented the Commisioners information that described the events. He added that these concerns are identified on the last page - what is DOE going to provide? Response time and how coordinated; and what are the response capabilities. A distinct problem for us with the river next to the highway and the railroad.

In case of Sabotage - what are the security measures in place. These loads will be coming from 77 locations with the main thoroughfare as I-70 corridor.

Ed and Guy's concern is Emergency Management - need a lot more support from DOT and finding volunteer firefighters who have time to devote to the training of 80 hours. Plus staffing and equipment. Ed and Guy will attend the public meeting. Possible to offer comments in February.

#### Resolution to Adopt 2000 Budget

Ed mentioned that this was fully described in the October 15 Commissioner's meeting - this is a lean budget - a slight deficit of \$20,000 but the fund balance compensates this.

The goal is to restore the fund budget through revenue adjustments - projected to over \$3 million now.

Road and Bridge fund - revenue adjustments were problematic and caused them to have a less attractive \$9 million and over ½ doz. major projects.

Capitol projects - jail and acquisition of the land, sewer and water and riding arena and will show a deficit - still a 3 million fund balance.

Goals will be set jointly on ways to improve general fund balance. The movement of Pilt funds solves the current deficit; also a goal to stabilize the road and bridge situation; and we will be implemented the salary survey.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve the budget for 2000 as presented. Motion carried.

The department of local government will receive the document by the 20th of January, 2000.

#### Resolution to Adopt Final Supplemental Appropriation to 1999 Budget

This 3-page summary compromises the requirement for 1999. Dale Hancock submitted the Resolution and handout.

Ed said the supplemental basically is about what occurs when Ed and Dale meet with the department and go through their request. The 1999 information and the projected 2000 and analysis this -- this is where they ended up. The Board will see a report with changes in Revenues, changing, and spending.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to adopt the final supplemental appropriation to the 1999 Budget; motion carried.

### **CONSENT AGENDA**

- A. Approve Bills
  - B. Sign Agreement for Recurring or As Needed Planning Services Dennis Stranger
  - C. Approve Request for Time Extension: Exemption Conditions of Approval - Elizabeth Cook
  - D. Sign Agreement for Recurring or As Needed Planning Services with Victoria Giannola
  - E. Approve Request for 60-Day Time Extension: Approval of Bernklau Exemption
- A motion was made by Commissioner Stowe and seconded by Commissioner McCown to approve Items A - E of the Consent Agenda; carried.

### **REGULAR AGENDA**

Motor Vehicle - Motor Grader

Mildred presented the Bill of Sale for the 1979 Motor Grader Compactor and requested the Chair be authorized to sign the title.

A motion was made by McCown and seconded by Walt Stowe to authorize signature of the Chair on the 1979 Motor Grader; carried.

### **BUILDING & PLANNING ISSUES: PUBLIC HEARINGS:**

**REQUEST FOR APPROVAL OF THE MCGOVERN SPECIAL USE PERMIT FOR A TWO FAMILY DWELLING IN THE R/L/UD ZONE DISTRICT. LOCATED: 000081 CHAPPARAL CIRCLE, GLENWOOD SPRINGS, COLORADO 81601. APPLICANT: CHRIS MCGOVERN**

Don DeFord, Chris McGovern, and Kit Lyon were present.

Don determined that adequate notification and publication were in order and advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit presented the following exhibits for the record:

Exhibit A - Returned Receipts; Exhibit B - Proof of Publication; Exhibit C - the Garfield County Zoning Resolution; Exhibit D Comp Plan; and Exhibit E - Staff Report.

Chairman Martin admitted the Exhibits A - E into the record.

Kit stated this is a request for review of a Special Use Permit to allow for a two (2) family dwelling unit by Chris McGovern on 9,583 sq. ft located in the Western Hills Subdivision north of the Glenwood Springs Mall.

Staff recommends APPROVAL with 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.

*Pursuant to Title 30, Article 28, and Title 29 of the Colorado Revised Statutes:*

That the applicant meet all requirements of the Garfield County Zoning Resolution of 1978, as amended.

That all State and Local health standards be met and that the applicant provide proof of water/sewer service (such as payment of applicant tap fees) prior to issuance of the special use permit.

That the dwelling units comply with the Uniform Building Code adopted by the County.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to close the public hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to approve the request of a Special Use Permit to allow for a two (2) family dwelling unit for Chris McGovern with the 4 recommendations made by staff; carried.

Dennis Cary asked if there was a time limit on the special use permit.

Mark said there was a hundred and twenty days to complete the requirements for the SUP.

**REQUEST FOR APPROVAL OF THE AMERICAN SODA SPECIAL USE PERMIT FOR TWO PIPELINES.  
LOCATED: NORTH OF PARACHUTE IN THE PARACHUTE CREEK DRAINAGE AREA.  
APPLICANT: AMERICAN SODA, L.L.P.**

Don DeFord and Tim Thulson were present.

Tim Thulson noted the lack of noticing and requested this to be rescheduled.

Rescheduled January 3, 1999 at 2:00

**CONTINUED PUBLIC HEARING: OAK MEADOWS SUBDIVISION/BEAVER COURT FINAL PLAT.  
APPLICANT: ROBERT DELANEY**

Davis Farr, Mark Bean and Don DeFord were present.

An extension was requested with a projected date of January 12, 2000 to be completed.

An extension was granted to March 6, 2000 at 2:00 P.M.

#### **PROPOSED RESOLUTION FROM THE CITY OF GLENWOOD**

##### **CENSUS 2000**

Rob Hykys mentioned that Mr. Bell submitted a letter from the division from Grand Junction; over the last 2 years the County has been requested to present. The Census will determine impacts to the voter precincts if they can be maintained or changed and if the Commissioner boundaries need to be adjusted. The last thing they helped with was updating their 87 housing count. All building permits - gave them over 300 housing that they did not have. The county has been asked to participate in other activities but did not participate. The Census employees are mostly in Grand Junction or Denver. Wayne Gustin was initially involved. Another aspect mentioned was the importance for Garfield County - 15,000 undocumented aliens in the County. Asistencia Para-Latino represented these same facts.

The question is - will they be counted? Rob stated he worked with a representative and it was a guest at this point.

Mark stated it will affect us in per capita distribution.

##### ***Draft Resolution - Discussion - 3-Mile Sphere of Influence***

Discussion was held with regard to the aspects of the proposal. Mention was made that the County is bound by statutes. The cities are asking the County to provide input into their applications submitted for land use. This would entail having an IGA with all the municipalities.

The time from is to have comments by January 3 - Mark and Don to provide this.

##### **JAIL UPDATE - BOB SZROT**

Bob gave a jail update to the Commissioners and discussion was held as to the Pre-Cast Contractor; masons, finalizing the relocation of utilities, a tunnel for an additional \$50,000 to move the utilities putting

sleeves under the tunnel and all utilities under the tunnel - pressurize water in tubes. They are trying to get resolved ASAP.

Permanent Builders good dialogue and they are talking with Summit Brick and looking at putting together a package to say, okay, you'll manufacture them for us, fire them for us, deliver them directly to the site, no middle men involved, and we're looking at having a price for the Masonry package December 22nd.

Commissioner Stowe cautioned Bob that should be spelled out in the contract because he would lose his markup.

Bob continued saying we are coming to the contractor with less risk and there should be some value in this that would be spelled out in the contract since he might not get his money in markup but he knows he has a casting time already in place, he knows he has enough lead time on how the metal and detention equipment, a mason available and by reducing the risk that will have value when it comes to the bidding time.

Commissioner McCown - so basically we're entering into a contract with the possibility of a company that provides all the material and equipment, doors, locks, glazing, electronics, etc., also pre-cast and a masonry contractor.

Where does that put us in a liability standpoint if these people fail to perform and it creates a problem for the general contractor in his scheduling and his activities.

Bob said we are going actually sign our contracts to the general, so he's the one that going to control money going to these people, he's going to have a liability, we're not sacrificing anything, we're just putting people under contract to reserve their time frames.

Commissioner McCown - we're actually contracting for the general contractor without his knowledge.

What is a general contractor is accustomed to using a certain masonry and we say, sorry, we've already got one.

Don said there is a couple of ways to approach that and he talked with Johnson about it - one of the reasons I wanted to be part of this meeting is to discuss this issue on the structure of the contracting because I have a number of discussions with Johnson in the last two weeks. There's a memo I sent out to Ed and Bob last week and I gave copies to the Board on this issue. First the only one I've discussed with Johnson has been pre-cast, I wasn't aware that you were doing this with any other contractor, so what I've done is designed for pre-cast. As Bob represented, we anticipate signing a contract - this is a process that I think can work but the option to get right to Larry's concern, it is possible to construct a request for request for bidding from the general that would give the option of accepting what we have done or if they want to go their own route, then they would have to still assure us of time and price at least equivalent to what we would present to them.

Ed asked if we would be subject to termination cost with the firm that we engage.

Don said no, that's not the way he had written it. We still have to work on this because now we can go the other route and say we will simply enter into an agreement that does not allow that option for the general contractor - that's there too and then the general will have to accept our time and price.

So, Don said he set out in the Memo that this is a somewhat unusual procedure and the contracts we have developed heretofore don't anticipate this type of an arrangement, we will enter into a direct contract with at least the pre-cast, but when that's assigned there will have to be changes made to the agreement because we are changing from an owner status to a general contractor status as the party to whom the obligation is owned. The agreement with the pre-cast will anticipate and require that they enter into that agreement. He said he was not aware of the masonry agreement.

Bob said this depends the price they get on the 22nd.

Commissioner Stowe suggested tying these things down with a letter of intent but not a formalized contract and then tell the contractor that we have these bids that you can use as part of your estimate or if you want to use your own subcontractor you can, you have that option.

Bob Szrot said this would not work. What you're doing is you are putting out on the street the bid that we have.

Commissioner Stowe did not want to give them the bid amount, rather just tell them we have an agreement with i.e. Permanent Builders. If the price your subcontractor is giving you that is competitive or reasonable, then.

Don said at least in regard to pre-cast we will be receiving a bid price and it doesn't sound like you're even try to do that on masonry.

Bob said that's correct. This is an attempt to give a local entity a one-time shot to give us a compelling price.

Commissioner McCown clarified this would be on the cost estimate.

Don explained briefly on the contract - the letter of intent because Bob Johnson and he had talked about using that form and why they went to the contract was because on pre-cast, Bob is very concerned about having someone give us a price and then walking away from it because they may find another contract that's a great deal more valuable to them than Garfield County's. That's one of the reason that we're anticipating a 10% bid bond which is twice the amount we usually require. We're trying to get some incentives to make sure the price they give us is the price that stays one, but also, that they will agree to continue to supply us the product in the way we had requested and he was very concerned when we talked about the letter of intent and its unenforceability that in terms of pre cast they would see that and if they got a better project, they walk.

The discussion continued along the lines.

***Executive Session - RFRHA Lease - Union Pacific***

A motion was made by Commissioner Stowe and seconded by Chairman McCown to go into an Executive Session. Motion carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session and to adjourn; motion carried.

Attest:

Chairman of the Board

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**DECEMBER 20, 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 20, 1999 with Chairman John Martin and Commissioner Walt Stowe present. Commissioner McCown was absent. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**ADMINISTRATOR'S UPDATE**

Ed Green gave his update that included the following:

General Contractors -- Proposals have been submitted. A review committee will determine the ones that meet the qualification. These will be given bid packages.

Sp Mt 9:00 A.M. Thursday, To Select the Finalist for the General Contractor of the Jail 12/23

Fair Board Meeting and Selection Process for Events Coordinator

Dale Phyllis and Fairboard - Events Coordinator

R & Bridge Safety Meeting

There was a meeting held last Thursday at the Airport. Ed, Allen, Tom Russell, and Phyllis Lundy explained the salary plan with the Road and Bridge folks. Allen explained the budget process and what it means. Tom discussed the projects and good customer services.

Rifle Foreman Selection

Craig Cuberry was selected to be the Foreman in Rifle of the Road and Bridge Operations

Fixed Asset Cleanup

Allen Sartin reported on the proposed fixed asset cleanup process. This included ejecting records that have been replaced and sold, developing procedures to ensure fixed assets are reported and numbered in each department. There will be a physical inventory taken by a consulting firm with Allen and Dale overseeing the process.

Fairground Activities - Contracts

Silver Nichol

Garfield County Youth Council meeting 1-22 and 1-23, 2000.

Dog training class using the North Hall.

A motion was made by Commissioner Stowe and Chairman Martin who stepped down as Chair Martin to the authorize the Chair to sign contracts for the use of the Fairgrounds; Carried.

**EXECUTIVE SESSION - Legal Advice**

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to extend County Benefits up to 3 months for Ken Longsine's family. carried.

**COUNTY ATTORNEY'S UPDATE**

Don was absent today and Mary Lynn and Jim Leuthueser were present for the report.

Mary Lynn stated that Don had completed the Review of the HUTF Revenues.

Contract Services: Hammond

Phyllis submitted a summary of the agreement to receive road and bridge services from Bob Hammond who retired but is willing to work 16 hours a week - \$11,000 for one year at \$11 per hour. This has been reviewed by Don DeFord.

During the discussion, mention was made that this was not planned in the budget and that Bob will be eligible for Worker's Compensation. Ed stated the courts always look at these types of contracts as employment contracts.

Commissioner Stowe made a motion and Chairman Martin stepped down as Chair to second the motion to approve the agreement with Bob Hammond as presented by Phyllis Lundy not to exceed \$11,000 to work at the landfill and to authorize the Chair to sign the Agreement for Services. Motion carried.

Renewal Agreement: Housing Authority

Shelia Smith was present.

A motion was made by Commissioner Stowe to approve a renewal of the Agreement with the Housing Authority continuing for one year continuing for \$45,000. Chairman Martin stepped down as Chair to second the motion; carried.

Coryell Ranch - Final Plat

Larry Green was present and stated that he and Don had discussed the final plat. This will be submitted to the Board either the 3rd or 10th of January. There is one condition to discuss with the Board and that is how to finalize the deal about the Affordable Housing units. The way they are final plat states that the record of a master deed restriction will be made against the 4 lots for 7 units. The Housing Authority was going to create this master deed and then Larry and Don will work together and create the "generic" deed restriction. Larry has had some experience and feels he can draft a master deed.

Consideration of Vacation and Acceptance of CR 109 Right-of-Way

Jim Leuthueser stated they are anticipating closing and had hoped to have today for the Board's approval but it looks like this will need to be handled on the December 23rd agenda. A date of December 23, 1999 at 9:00 A.M. was set.

## **SCHEDULED WORK SESSIONS/DISCUSSIONS**

Energy Impact Grant: Discussion and Prioritization

The following Towns were represented: Rifle, Carbondale, Battlement Mesa and Glenwood Springs

### ***Communication Authority***

Bob Kibler and Terry Wilson spoke for the Communication Center/Dispatch

Bob said he talked with Tim Sarmo and he will be coming for a visit on site to view the proposed building. This is defined as a union between the two centers currently located in Rifle and Glenwood Springs. Bob said the upgrades in looking at in the future hinge on getting into one system; same as upgrading the radio system - includes the E-911 system.

Endorsements have been received from Tom Brown, American Soda, and Barrett Oil.

Marian Smith said this benefits the entire county - a combination of the two centers will cut costs. This is what was originally contemplated when the tax was designated on the ballot. Supportive of this center.

Daryl Meisner reminded everyone that they are operating two centers that are too small. Combining the two into a single building is the most efficient.

David Ling - Mayor of Rifle - this has cleared land use issues with Rifle. Mechanical and electronic workings have been completed.

Tom Heir - combined operations are beneficial for all towns and County.

Sam Skramstad - this is a good time to make this happen.

Terry Wilson said, on location, that a lot of work went into selecting the site. Excellent line of site from the site.

Bob said the plans through the State Patrol ties into their microwave system and could hook into their Chief of Glenwood Springs Fire District - a new center with the avenue of being able to go through the district - communication is vital -- as upgrades becomes available - Mike Piefer.

The following Energy Impact Grants for consideration in this time period are:

- Battlement Mesa Local Government Building: Phase I - \$136,547.00 - Grant Request \$95,600
- Battlement Mesa Activity Center Parking Lot Improvements - \$19,000 - Grant Request \$13,300
- Carbondale Historic Downtown Improvements - \$612,918.00 - Grant Request - \$300,000
- Combined Communication Center -\$1,207,068 - Grant Request \$780,888
- Carbondale Historic Downtown Improvements - \$612,918.00 - Grant Request - \$300,000

Town Council Mayor - Tom Heier presented the proposal for Carbondale. This is Phase I of a III to IV project. Typical set of improvement, crosswalk, parking, lighting -- property tax was approved.

The town has supported the street lights - the tax has helped -- if this goes through it will make the town more attractive and more enjoyable for people to shop.

- Battlement Mesa (BM) Local Government Building: Phase I - \$136,547.00 - Grant Request \$95,600



Weldon - There is a need to form some type of government - a grant to design this type of a building. An office for Motor Vehicle and Nurse would also be included. The water, consolidated metro rents from BM - no space of renting - need to visualize what the facility will look like. Talked to Tim Sarmo - utilize the Mesa State College - use plans and formats to design these facilities - includes the site selection. The basic facility will include police, the form of government they select to take with meeting rooms. All they are asking for are the funds to design the facility.

- Battlement Mesa Local Government Building: Phase I - \$136,547.00 - Grant Request \$95,600

Recreation Center - a central focus on the 580 people in the building - no parking available. The land is ready and need this for asphalt paving. Asking the County to give them a priority so they can keep going.

Weldon - they have three strong endorsements for these - American Soda, GoCo and Russell George -

Barrett is forthcoming with a recommendation. He stated that the parking lot and then the local government was the way they have them prioritized.

Ballots were submitted. - Prioritization

Mildred gave out the secret ballots to the Town/City Representations. The projects are rated 1,2,3, & 4 - the lowest score wins.

Ratings included:

Communication Center - 1st

Town of Carbondale - 2nd

Battlement Mesa Parking - 3rd

Battlement Mesa Design - 4th

These will be presented to the Department of Local Affairs - Energy Impact.

Ed said the most effective way to present your case is to have one strong speaker to deliver; presented handouts with visuals - imported pictures for site locations. The Committee prefers something to carry away. He offered to provide a sample of the Jail Presentation where the County was successful in their award.

Presentations to Energy Impact Committee - January and decision in February.

Bob Brooks suggested to integrate the oil and gas representatives into this group.

### **SCHEDULED WORK SESSIONS/DISCUSSIONS/DECISIONS**

Adopt County Mill Levies - Steve Rippe presented the proposed County Mill Levies that resulted in a \$19,000 increase.

Copies were presented and Steve went through the summary of all the compiled authorities, School, CMC, Towns and County showing - the total revenues generated 35,095,850.

Commissioner Stowe made a motion to adopt the County Mill Levies as shown by Steve Rippe. Chairman Martin stepped down as Chair to second the motion; carried.

Certification of All Tax District Mill Levies

Ed submitted the Resolution of Certification of all tax district mill levies.

Stowe, Martin carried.

### **BUILDING & PLANNING ISSUES:**

#### **PUBLIC HEARINGS/PUBLIC MEETINGS: PUBLIC HEARINGS:**

Kit Lyon, Ron Liston, Bob Zanella and

Request for Approval of the Aspen Equestrian Estates Preliminary Plan. Located: Southwest of the intersection of Highway 82 and CR 100, east of Carbondale. Applicant: Jay Weinberg of Aspen Equestrian Estates, LLC.

Kit Lyon, Ron Liston of Land Development, Attorney Herb Cline, Bob Zanella and Jim Leuthueser were present.

Jim determined that adequate posting and notification was provided and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Kit Lyon submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Exhibit C - Garfield County Zoning Resolution; Exhibit D - Garfield County Subdivision Regulations

Exhibit E - Garfield County Comprehensive Plan; Exhibit F - Application; Exhibit G - Staff Report and Project Information and Recommendations.

Chairman Martin entered Exhibits A - G into the record.

This is a request for a preliminary plan review (and request for a PUD zone district amendment to be heard 1/3/2000) on 57.9 acres to be used for 47 single family homes, 3 employee housing units, with 22.4 acres remaining in open space.

Recommendation:

Due to a problem with public noticing, the PUD amendment application will be reviewed during a public hearing on 1/3/00. On 11/10/99 the Planning Commission recommended APPROVAL of the preliminary plan, with the following conditions, in order to protect the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Garfield County. [Includes staff comments.]

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 submit adequate lab results for the water source prior to the Board of County Commissioners meeting on this issue. [This has been met.]

The recommendations of Wright Water Engineers and the Office of the State Engineer shall be followed. More specifically:

a) A second well should be added for redundancy and back up. [This condition has been met but minor revisions should be made to Sheet 11 as discussed in WWE's 12/8/99 letter.]

b) The applicant shall specify the mechanism used to ensure the County that a permanent augmentation plan will be paid for.

c) The water distribution booster pump station shall be specified and include a backup power generator. [Or written approval from the Fire District shall be provided.]

d) Evidence of state approval of the water system design shall be submitted prior to final plat.

e) The water and utility notes on sheet 18 shall be revised to fit this particular project (specifically notes 5,6,7,11,13, & 15). [This condition has been met.]

f) The final plat shall show the labeled easement for the potable water system improvements.

g) The applicant shall obtain and submit to the County valid well permits for the proposed uses prior to final plat.

*Pursuant to section 4.92 (C) (1) and 4:91 (A) (4)0 of the 1984 Garfield County Subdivision Regulations:*

Prior to final plat, the applicant shall submit to the County a "Can and Will Serve" letter from the Ranch at Roaring Fork and evidence that the "perpetual easement" can accommodate the sewer line and any other proposed uses. Also, the applicant shall provide to staff a copy of the sewer agreement between Aspen Equestrian Estates and St. Finnbar that AEE has the right to place improvements in the perpetual easement].

*Pursuant to section 4.80 (D) (2) of the 1984 Garfield County Subdivision Regulations:*

Culverts shall be shown on the road profiles prior to final plat.

The recommendations of the Carbondale & Rural Fire Protection District shall be followed. More specifically:

a) Any home 3,500 square feet or larger shall be required to have a sprinkler system. Water service lines from the water mains to the residences shall be properly sized. Sprinklers shall be installed in accordance with NEPA 13D.

The wetlands shall be delineated on the final plat and in the field and Andy Antipas' specific recommendations shall be followed. These recommendations include, but are not limited to the following:

{ Drainage best management practices shall be used to mitigate potential wetland impacts.

{ A silt fence shall be used at the wetland edge to reduce erosion and sedimentation from impacting the Blue Creek wetland/riparian area.

{ Hay bales shall be installed within drainage ditches to reduce sediment from entering environmentally sensitive areas.

{ Stock pile and construction staging areas shall be determined well in advance of construction and illustrated on project plans.

{ No heavy equipment or construction materials shall enter the wetland area. Disturbed areas shall be revegetated as soon as possible.

{ Workers shall not be permitted to bring dogs to the site.

The boundary of the floodplain [and wetland boundary] must be identified on the final plat. The applicant will also provide the following information prior to final plat:

a) Construction detail of the swales and outfall channels [with revisions to Sheet 7 as discussed in WWE letter 12/8/99.]

b) Best management practices included in the drainage plan.

c) Construction erosion and sediment control measures shall be specified in terms of where and when they will be used.

This information will be reviewed by staff and Wright Water Engineers for consistency with best engineering practices.

Hepworth-Pawlak's recommendations shall be followed. No below grade living spaces shall be permitted. [A plat note shall reflect the need for site specific studies and prohibition of below grade living spaces.]

All recommendations made by the DOW (except the 50' setbacks and kennels prior to a certificate of occupancy) in letters dated 10/25/99 & 9/14/99, shall be made conditions of approval, incorporated into the covenants and/or be notes on the final plat

No accessory dwelling units will be permitted within the subdivision.

The developer shall enter into an agreement with the Carbondale and Rural Fire Protection District for payment of development impact fees prior to the signing of the final plat.

The covenants shall be amended as discussed in Section J of this staff report.

The Mount Sopris Soil Conservation recommendations shall be followed. More specifically, the use of chemicals and the ground water shall be closely monitored by the Homeowner's Association to prevent water pollution.

*Pursuant to section 9:10 of the 1984 Garfield County Subdivision Regulations and Resolution 98-11:*

That the following plat notes shall appear on the Final Subdivision Plat:

"One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries."

"Potential homeowners should be aware that the building sites cannot be considered totally sinkhole risk free since the Eagle Valley Evaporite is present in the subsurface. Site specific studies must be conducted for individual lot development in order to detect the presence of subsurface voids."

"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 will be the minimum amount necessary and all exterior lighting will 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."

"The driveway easement maintenance responsibilities must be shared equally amongst the three exemption lots."

"Ditch owners hold a right-of-way easement in order to maintain the irrigation system. New landowners should be aware that ditch cleaning and work may occur in the yards of homeowners."

"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A

good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County. Staff recommends three (3) other conditions of approval be included:

16. The applicant shall obtain a favorable vote from the Board of County Commissioners concerning the amendment to the PUD, as discussed in the application and as recommended by the Planning Commission, prior to approval of the final plat.

17. WVE's other recommendations in letter dated 12/8/99 shall be made conditions of approval as follows:

Sheet 11 shall be revised to show the water line layout matches the layout on sheet 18A.

Note 6 of Sheet 6 shall read "Heavy equipment shall not enter the wetland area and construction materials shall not be placed or stockpiled in the wetland area".

18. No final plat shall be approved until sewer service has been provided.

Ron Liston presented a visual map showing the changes of the PUD and Zone Districts to be presented on January 3, 2000. He complimented the staff in their review and acknowledged that they had accomplished a number of things.

Updates - recommendation of P & Z - these are in process - #4 - perpetual easement - this is between Ranch at Roaring Fork and Aspen Equestrian. The connecting main agreement specifically speaks to the rights of crossing the easement with the sewer line.

Plat notes are fine.

Discussion #16 and # 18 additional recommendations the staff has recommended. # 18 - technical provision of sewer service with the Ranch - needs clarification.

The Ranch at Roaring Fork is currently a permitted facility at 80%. Mike Bell Ranch Manager - current capacity now; Summer - takes up to 80% capacity. Ron said they understand that the Aspen Equ will provide funds to the Ranch for the upgrading of the sewer.

Mike Bell - Operations Manager for the Ranch at Roaring Fork spoke on the upgrade of the sewer.

Michael Erion - Wright Water Engineers and consultant for the County asked about the amount of space available and the overall capacity of the current facility.

Bob Zanella - added 5.5% capacity - adding 26 units - puts them at 100% capacity in the summer.

Herb Nelson mentioned they were operating in good faith. Spent \$250,000 putting in the sewer line.

A motion was made by Commissioner Stowe and seconded by Chairman Martin stepped down as Chair to second the motion; carried.

A motion was made by Commissioner Stowe and seconded by Chairman Martin stepped down as Chair to second the motion to approve the Preliminary Plan for Aspen Equestrian Estates with the conditions as discussed and noted by staff; carried. Resolution # 2000 - 15.

Martin seconded

**Request for Approval of the Clagett Conditional Use Permit to Allow a Studio for Arts and Crafts.**

**Located: A tract of land in the Panorama Ranches Subdivision, approximately four (94) miles north of the intersection of Highway 82 and CR 100. Applicant: M. Jean Clagett,**

Mark Bean, Jean Clagett and Jim Leuthueser were present.

Jim determined that adequate posting and notification was provided and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark Bean submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts;

Exhibit C - Garfield County Zoning Resolution; Exhibit D - Application; and Exhibit E - Staff Report and Project Information

Chairman Martin entered Exhibits A - E into the record.

This is a request for a conditional use permit to allow a studio for arts and crafts on a 5.18 tract of land located in the Panorama Ranches subdivision located approximately 4 miles north of the intersection of Highway 82 and CR 100.

Recommendation:

Staff recommends 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 stated otherwise by the Board at the hearing.

No outdoor storage of materials and supplies will be allowed.

There shall be no signs indicating the use of the property.

All arts and crafts activity shall occur within a building and comply with the standards contained in the Garfield County Zoning Resolution.

Applicant - no input other than wanting a place to see her horses.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to approve the request for approval of the Conditional Use Permit for M. Jean Clagett for Arts and Crafts with recommendations of staff. Motion carried.

**Request for Approval of an Amendment to the Garfield County Subdivision Regulations to Establish a procedure for Vesting Development Rights. Applicant: Garfield County Board of Commissioners**

Mark Bean and Jim Leuthueser were present.

Jim determined that adequate notification was provided and advised the Commissioners they were entitled to proceed.

Chairman Martin swore in the speakers.

Mark submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Staff Report and Project Information

Chairman Martin entered Exhibits A - C into the record.

This is a request for an amendment of the Garfield County Subdivision Regulations regarding the vesting of site specific development plans.

During the last legislative session, HB 1280 was passed dealing with the vesting of property rights in a "site specific development plan". The bill defined the site specific development plan at which property rights are vested to include the following: Zoning Classification - Preliminary Development Plan - Final Development Plan

The vesting of property rights associated with a site specific development plan are valid for a period of three (3) years or until the next stage of development approval. The County must adopt a resolution by January 1, 2000 that defines when a site specific development plan is vested. If no resolution is adopted, then vesting will occur upon the approval of any plan, plat, drawing or sketch that meets the criteria listed in the statute.

**Recommendation**

The Planning Commission recommended approval of the proposed amendment at their November 10, 1999 meeting.

The Resolution amending the Garfield County Subdivision Regulations relating to vest property rights is included for the review of the Commissioners.

A motion was made by Commissioner Stowe and seconded by Chairman Martin to close the Public Hearing; carried.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to approve the request for approval of an Amendment to the Garfield County Subdivision Regulations to establish a procedure for Vesting Development Rights by the Garfield County Board of Commissioners; carried.

**PUBLIC MEETINGS:**

**Request for Approval of an Exemption from Subdivision for Johnson. Located: 1700 CR 103, Northeast of Carbondale. Applicant: William N. Johnson**

Kit Lyon, Mr. and Mrs. Johnson and Jim Leuthueser were present.

Jim determined that posting was adequate and advised the Commissioners they were entitled to proceed.

This is a request for an exemption from the definition of subdivision for William N. Johnson on a 116+ acre tract of land with access from CR 103. The parent tract is to be subdivided from which two exemption parcels of 3.49 and 113.19 in size will be created.

**Recommendation:**

Staff recommends APPROVAL of this application with the following conditions:

That all representations of the applicant, either contained in the application or stated in the public meetings, shall be considered conditions of approval.

*Pursuant to Section 8:33 of the Subdivision Regulations:* A final exemption plat shall be submitted, indicating the legal description of the property, dimension, and area of the proposed lots, 25 ft.

wide accesses to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access of utilities;

*Pursuant to Section 8:33 of the Subdivision Regulations:* That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption;

*Pursuant to Section 8:42 I of the Subdivision Regulations:* That the applicant shall submit the applicable School Site Acquisition Fees for the creation of the exemption parcels prior to approval of the exemption plat;

*Pursuant to Section 8:52 B and 8:60 D of the Subdivision Regulations:* That the 1978 Garfield County Zoning Resolution and the Colorado Department of Health standards shall be compiled with.

*Pursuant to Section 8:52 C of the Subdivision Regulations:* The applicant shall obtain the necessary driveway permits prior to issuance of any building permits.

*Pursuant to Section 8:42 D:* Prior to the approval of an exemption plat, the applicant shall provide proof of legal and adequate source of domestic water for each lot created and will demonstrate that the water supply will meet 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 hour pump test indicating the pumping rate in gallons per minute and information showing draw down 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 will be filed with the exemption plat;
- 7) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates and suspended solids;

*Pursuant to Section 8:60 I 1,2,, & 3 and Section 8:52 A of the Subdivision Regulations and Section 1.008 of the Zoning Resolution:*

That the following plat notes shall appear on the Final Exemption Plat:

"One (1) dog will be allowed for each residential unit and the dog shall be required to be confined within the owners property boundaries."

"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 will be the minimum amount necessary and all exterior lighting will 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."

"The driveway easement maintenance responsibilities must be shared equally amongst the three exemption lots."

"Colorado is a 'Right to Farm' State pursuant to C. R. S. 35-3-101 et. seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. All must be prepared to encounter noises, odor, lights, mud dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations."

"All owners of land, whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A

good introductory source for such information is "A Guide to Rural Living and Small Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County."

Applicant: William Johnson questioned the conditions of the one dog; does it apply to the one large parcel. He provides hunting and fishing on his property and it requires 3 - 4 dogs to hunt the lake for fowl during the hunting season. Concern for the large parcels since they are for agriculture or sporting use.

Phyllis Smilack - observed the usage - a ranch operations - concerned about the dog ordinance. She asked that the larger parcel be exempted from the restriction, but also stated when the property was split off to have the restriction of the one dog only.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to approve the request with the recommendations of staff with the additional of a plat note to address the exception of the maximum use of 4 dogs for use on the larger parcel with sporting uses; carried.

**REQUEST FOR REVIEW AND APPROVAL OF AMENDED COOK EXEMPTION  
APPLICATION. LOCATED: 7650 CR 312, NEW CASTLE, CO. APPLICANT: ELIZABETH COOK**

Kit Lyon and Jim Leuthueser were present.

Jim stated that this did not require the property to be posted.

The Planning Department has received a request to change the number of lots previously approved by the Board of County Commissioners. The applicant is now seeking to create one 10 acre and one 142 acre parcel instead of the 3 parcels of 5, 5, and 142.

Does the applicant need to re-notice the proposal for a new public meeting; or if the Board finds that the change is not significant and is a lesser impact than the original proposal, allow final approval of the exemption plat and resolution.

Commissioner Stowe mentioned the possibility of another split.

Applicants responded that the impact was the consideration to amend the exemption made it easier.

Resolution:

Commissioner Stowe made a motion and Chairman Martin stepped down as Chair to approve the request to amend the Cook Exemption from the 3 parcels of 5, 5, and 142 to 1 parcel of 10 acres and 1 parcel of 142 acres.

A motion was made by Commissioner Stowe and seconded by Chairman Martin who stepped down as Chair to authorize the Chair to sign a resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for Thomas and Elizabeth Cook; carried.

**CONSENT AGENDA**

- A. Approve Bills
- B. Sign Acknowledgment of Partial Satisfaction SIA: Rifle Creek Estates. Filing 2
- C. Sign Resolution of Approval and Exemption Plat for Paul Shideler

A motion was made by Commissioner and seconded by Commissioner to approve the Consent Agenda Items A-C and to authorize the Chair to sign the Acknowledgment of Partial Satisfaction for Rifle Creek Estates, Filing 2 and the Resolution of Approval and Exemption Plat for Paul Shideler; carried.

**REGULAR AGENDA - BOARD OF HEALTH**

A motion was made by Commissioner McCown and seconded by Commissioner Stowe to go into the Board of Health; carried.

Mary gave her regular monthly report.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of the Board of Health; carried.

**HUMAN SERVICES COMMISSION - PUBLIC HEALTH SERVICES**

Lisa Pavlisick and Mary Meisner were present.

Don DeFord was absent and this was set over for the next meeting.

Discussion and Action: Settlement of RFRHA Litigation

Continued until Jan. 3, 2000 due to Don DeFord's absence.

***Recess***

A motion was made by Commissioner Stowe and Chairman Martin who stepped down as Chair to recess until 9:00 A.M. Thursday, December 23, 1999; carried.

Attest:

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Chairman of the Board

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**DECEMBER 23, 1999**  
**PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS**  
**GARFIELD COUNTY, COLORADO**

The SPECIAL meeting of the Board of County Commissioners began at 9:00 A.M. on Thursday, December 23, 1999 with Chairman John Martin and Commissioner Walt Stowe present. Commissioner McCown was contacted by telephone while out of town. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

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

**CR 215**

Tom Russell and Kraig Kuberry from Road and Bridge were present.

Tom reported that Scott Miller Concrete Pumping had requested the Board to review the weight limits on CR 215. The posted limit is 45,000 and his trucks weight 53,000. His shop is .2 miles beyond the posted limits; his \$45,000 bond is in place.

The Commissioners suggested that a review of the asphalt layer on the road be reviewed and an analysis made as to how many trucks and the number of trips made each day. On January 17, Tom and Kraig will submit a report to the Board for additional comments, discussion and decision. Tom is to notify Scott Miller Concrete that they will continue as is for now.

**SELECTION OF CONTRACTORS FOR THE JAIL:**

Ed Green, Assistant County Attorney Carolyn Dalghren, Contract Administration

Tim Arnet and Tom Dalessandri were present. Telephone conference included: Commissioner McCown, Bob Johnson and Bob Szrot.

General Contractors -- Proposals were submitted. The review committee determined the ones that meet the qualification.

Ed Green stated that an Executive Session was needed in accordance with Paragraph 4E in the Statutes which is determining positions relative to matters that may be subject to negotiations; developing strategies for negotiations; and instructing negotiations. This relates to the negotiation strategy needed from the initial receipt of the following expressions of interests.

He requested that Tim Arnet and Sheriff Tom Dalessandri be present as well as those involved with the telephone conference.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to go into an Executive Session to discuss the items and for the reasons listed by County Administrator Ed Green; carried.

A motion was made by Commissioner Stowe and seconded by Commissioner McCown to come out of Executive Session; carried.

A motion was made by Commissioner Stowe stating that at this point he would move that the Board authorize Ed Green to contact the two contractors -- Hazelton-Langley from Denver and G. E. Johnson from Colorado Springs on the opportunity to bid as a GMP on the jail and to proceed on that basis if they are willing to do so; I would also like to sit down around January 3, 2000 and go through the pre-qualification statement of the 8 or 9 general contractors that have sent in their submissions and send out letters to 4 to 5 of those indicating out willingness to entertain their bids at the earliest opportunity letting them know they will have prints available by January 30th and that the Board will award contracts somewhere in mid February to the end of February based on best value considering not only the larger GMP's but also the competitive bids of the smaller contractors and that the final award will not be made on basis of best price, but best value as determined by the Commissioners.

Commissioner McCown added that following Walt's to consider the critical contractors that were talked about in Executive Session.

Chairman Martin said they will do that but there is another motion on the floor.

Commissioner McCown seconded Walt's motion.

Vote - carried.

A second motion

Commissioner Stowe said to move ahead and award the contract for the masonry to Permanent Builders in a gross maximum price of \$1,935,181 to give them the proper lead time to assemble their team to proceed on the jail and that we let the contractors that are bidding this project both the GMP's and the General Contractors know in advance that we have secured this contract and the amount. Commissioner Stowe added the other two -- we'll also award a contract to Stress Con Corporation for the pre-cast work in an amount gross maximum price \$921,250 including \$100,000 allowance for design and engineering and shop drawings and that we award the contract to Sierra Steel for the detention equipment. Those three contracts will be awarded prior to selection of any other general contractor for the construction of the jail and the awards made part of their contracts.

Commissioner McCown seconded.

Bob Johnson commented that he was uncomfortable with what the Board was doing right now. Reilly Johnson, Architecture and Engineering consultants haven't had time to completely review these things. What he suggested in our Executive Session that we consider these and make some decision on them, he didn't think that the price would be given in public since these haven't been examined in full detail yet. There is a confidentiality agreement that we have made with one of these subcontractors.

Chairman Martin said it was so noted.

Bob Johnson said with Sierra Steel and at such time that the price has been checked, this will be disclosed publicly. The discussion hasn't been completed with Permanent Builders today and certainly wanted to say that we have an agreement with Sierra Steel that until such time as Reilly Johnson has examined their bid and recommend to Bob Szrot for his recommendation to the Commissioners that this number will be held

in confidence and since there is an agreement with Sierra Steel, he cautioned not to reveal the price publicly.

Chairman Martin mentioned there was a need to move forward due to time frames.

Commissioner McCown said that he thought the bids had been reviewed to the extent that they were under estimate outside the contingency as the initial bids were proposed and that he felt comfortable with those numbers. Due to the critical time frame he thought this action had to be taken today.

Bob Johnson said that what they would like is for the Commissioners to accept their recommendation for Stress Con and Permanent Builders, to let them take today and part of tomorrow to examine carefully to make sure that before the price is firmed up that we know that we have the right spoke and the right price. He added he was a little concerned about having this discussion publicly with these numbers.

Commissioner Stowe amended his motion to say that these are preliminary numbers subject to further review.

Bob Szrot said he would like to see the amended motion go forward giving staff the ability to have the Commissioner's approval to move quickly once the numbers have been verified.

Carolyn Dalghren clarified if this was a motion empowering your team to negotiate rather than award?

Chairman Martin said that he believed that it was. It's leading up to that and starting with the base figures here, to verify the base figures that have been presented, confirmed that and then a final recommendation on those numbers back to this board.

Commissioner Stowe and Commissioner McCown accepted this as long as this was the comfort level needed to achieve to give the general contractors what they need.

Bob Johnson said they could spend a few more hours today.

Commissioner Stowe said assuming the price isn't very much he didn't see that the Board had any choice but to have the Chair sign those contracts and if there is a significant difference we need to get back together on that but we need to move ahead with these contracts.

Chairman Martin stated this was the amended motion and there is an amended second.

Vote - Martin - aye, McCown - aye, and Stowe - aye.

Carolyn Dalghren asked if there was a need for a time certain to come back after Mr. Johnson has had a chance to go over these numbers.

Chairman Martin posed the question if these numbers could be verified by 4:00 P.M. today.

Bob Johnson said as long as they could reach Permanent Builders and Stress Con by phone, yes.

Mildred cautioned the Board that is wasn't noticed and unless they continue this meeting it couldn't be done.

A decision was made to have all available on cell phones for a possible phone conference if there is a change in price due to further verifications.

Commissioner Stowe so moved. Commissioner McCown seconded; motion carried.

The phone conference ended.

Commissioner Stowe made a motion to authorize the Chair to sign the contracts if the prices do not change.

Chairman Martin stepped down as Chair to second the motion; carried.

Carolyn Dalghren notified Commissioner McCown by phone of this motion.

**Recess**

A motion was made by Commissioner Stowe to recess till needed and seconded by Chairman Martin who stepped down as Chair to second the motion; carried.

Attest:	Chairman of the Board
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